

## SENATE—Friday, September 11, 1987

The Senate met at 10 a.m. and was called to order by the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Bless the Lord O my soul; and all that is within me, bless His holy name.—Psalm 103:1.*

Holy God, we come to You in gratitude for the visit of Pope John Paul II. We thank You that his presence among us reminds us all of the values indispensable to the greatness of America: truth, justice, righteousness, honesty, freedom, our oneness as human beings, human equality, servanthood, and above all love. Love as preached by Moses and the prophets. Love as preached by Jesus Christ and the Apostles. Love that is unconditional—universal—and unending. Forgive us, Gracious Father in heaven, for our failure to conform to these values fundamental to social order and grant us the grace, people and leaders, to take them seriously. Cleanse us of our sin. Renew us in the truth and infuse us with Your love. In His name Who was love incarnate. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stennis).

The legislative clerk read the following letter:

U.S. SENATE  
PRESIDENT PRO TEMPORE,

Washington, DC, September 11, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIMOTHY E. WIRTH, a Senator from the State of Colorado, to perform the duties of the Chair.

JOHN C. STENNIS,  
President pro tempore.

Mr. WIRTH thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

## THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal

of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

## THE JULY TRADE DEFICIT

Mr. BYRD. Mr. President, today we have received troubling news on the trade front. The Commerce Department's figures, released earlier this morning, put the July trade deficit at \$16.5 billion—a new record. The June deficit of \$15.7 billion was the second highest on record. The July figure is \$800 million higher. Not only were imports higher, Mr. President, but exports actually slipped lower.

After more than 2 years of a declining dollar and 6 years of administration assurances that we have turned the corner, the trade deficit is a bigger problem than ever. We are in the sad situation of going from bad to worse.

Mr. President, the trade deficit for the first half of the year has already passed the \$80 billion mark. If we continue at the July pace, the 1987 trade deficit will exceed the 1986 record for red ink. We will be setting the record, Mr. President, but the rest of the world will be going home with the gold.

The costs of our dismal trade performance, Mr. President, are all around us. Hundreds of thousands of workers have been thrown out of well paying industrial jobs. You can see the loss in West Virginia where we lead the Nation in dislocated workers. Many large, basic industries are still staggering from the impact of an overvalued dollar and the month-by-month impact of the trade deficit. Only last month, we were told that Newell, which purchased Anchor Hocking in Clarksburg, WV, was going to pull out lock, stock, and barrel, causing more than 1,000 West Virginians to lose their jobs.

Virtually every dollar of the trade deficit now adds to a growing mountain of external debt. By the end of the year, Mr. President, we will have become a debtor nation to the tune of \$400 billion. And that "ain't" chicken feed.

Just as troubling as the size of the trade deficit, Mr. President, is the composition of the trade deficit. The basic industries that have borne the

brunt of the administration's failed trade policies have been major sources of employment. They have also been an important component of the world's most diversified industrial base and a major market for America's high-technology industries that all too often find themselves shut out of foreign markets. Even the traditionally strong exporters have seen their position seriously eroded. By 1986, the surplus in agricultural trade had virtually disappeared. And the high-technology sector experienced its first trade deficit since the Commerce Department began to track its performance.

Both Houses of Congress have been active in seeking a solution to the trade problem. In part, our efforts to reduce the budget deficit are driven by the fact that the shifts in fiscal policy here and abroad have played a major role in undermining our competitive position. The Senate and House have now passed different versions of trade and competitiveness legislation. They have in common a commitment to boost America's exports, tighten the application of our trade laws and improve the long-term competitiveness of the American economy.

The trade deficit, Mr. President, is a storm that has been building for a long time. Since March of 1985, more than 2 years ago, the country has not had a monthly trade deficit of less than \$10 billion. Fifteen years ago the trade deficit for the entire year did not reach \$10 billion. Month by month, year by year, we are piling up problems for the future.

Yet, despite the years of bad trade news, the White House is still talking about a veto of the trade bill. We are working in the Congress. What we need, Mr. President, is effective cooperation from the administration.

Mr. President, I ask that I may reserve the balance of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXPLANATION OF PETE DOMENICI ABSENCE

Mr. DOLE. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] is not present in the Senate today. The Senator is spending the day meeting with New Mexico business leaders discussing economic development and jobs at the New Mexico Business Conference at New Mexico State University in Las Cruces.

As you may know, the condition of the economy in New Mexico is not as good as we all would like it to be. It is

hoped that some new initiatives to enhance the New Mexico job market will be the result of the New Mexico State University Business Conference.

Senator DOMENICI advised me that he was attending this conference prior to the August recess. At that time the majority leader was of the opinion that the Senate would not be in session today. However, as it often happens, the schedule changes. Prior to leaving for New Mexico, Senator DOMENICI asked me to explain to his colleagues and constituents why he is necessarily absent today.

### BICENTENNIAL MINUTE

SEPTEMBER 11, 1789: SENATE RECEIVES AND CONFIRMS FIRST CABINET NOMINATION

Mr. DOLE. Mr. President, 198 years ago today, on September 11, 1789, President George Washington sent his first Cabinet nomination to the Senate, appointing Alexander Hamilton Secretary of the Treasury. Later that day, the Senate quickly confirmed his nomination.

The congressional statute creating the Treasury Department contained greater detail than those establishing the other two Cabinet-level agencies: The Departments of State and War. Treasury was the largest of three agencies and, during the early years of the new Government's existence, it grew at a faster rate than the other two. Congress singled it out for special attention by requiring the Treasury Secretary specifically to "digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit." He was also directed to "make report, and give information to either branch of the legislature, in person or in writing \*\*\* respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office."

Six days after the Senate agreed to Hamilton's nomination, the House abolished its Committee on Ways and Means. This action suggested that the House intended the Secretary to take the initiative in shaping financial policy. The combination of Hamilton's leadership and the Treasury Department's vital function in raising revenue made that agency preeminent.

Alexander Hamilton had actively campaigned for the position well in advance of his appointment. While many friends urged him to avoid the Treasury—with the Nation's finances in a "deep, dark, and dreary chaos"—and run for the Senate, or seek nomination as Chief Justice of the U.S. Supreme Court, Hamilton correctly believed that he was one of the few men available who possessed the training and experience to accomplish this difficult task.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 20 minutes; Senators to speak therein for 5 minutes each. The Chair recognizes the Senator from Illinois.

### RICHARD GODWIN MAY LEAVE DOD

Mr. DIXON. Mr. President, I rise this morning as a member of the Armed Services Committee, to express my profound concern and my genuine alarm at the obvious disregard for the directions of the DOD reorganization bill and the Packard Commission report by the Department of Defense. I must say I regret specifically, the actions of the Secretary of Defense, Mr. Weinberger, and the Deputy Secretary of Defense, Mr. Taft.

Mr. President, I hold in my hand a copy of the Defense News published September 7, only a few days ago; the headline article is entitled "Godwin May Leave Over Pentagon Power Struggle."

Mr. President, I shall ask consent that a reproduction of that article be printed in the RECORD.

I am not going to read the whole article, but the essence of this article is that a very fine man, Richard Godwin, who we confirmed as the Under Secretary of Defense for Acquisition, is seriously considering resigning his post. I believe I can say to the Senate, on the basis of my conversations with Secretary Godwin, with the chairman of the Armed Services Committee, Senator NUNN, and others, that this will become a reality; and that Secretary Godwin is leaving the Department of Defense because the Secretary of Defense and the Deputy Secretary of Defense are undermining the law we passed in the last session of the Congress. That law requires that all acquisitions by the Department of Defense and the military services should be under one acquisitions czar. We debated this on the floor at length, Mr. President; that, there shall be one responsible person in the Pentagon for all procurement and acquisition.

Mr. President, I wonder whether everybody understands the importance and the breadth and the scope of this particular subject matter. One hundred eighty-five billion dollars, Mr. President, one hundred eighty-five billion dollars of the taxpayers' money is spent every year on acquisition. Everybody knows, and, Mr. President, Mr. WIRTH, you are a member of the committee—I see my distinguished friend from Alabama on the floor, a member of the committee—everyone knows the services are competing against one another to buy different weapon systems. Everybody knows that there is

duplication. Everybody knows there is waste. Everybody knows there is mismanagement. Everybody knows there is fraud.

During the debate on the DOD reorganization question last year, with those two great Senators, Barry Goldwater and SAM NUNN, working together to bring about an important new DOD reorganization bill, the central question was how we answered this problem. I am proud to say it was a Senator from Illinois whose amendment was adopted setting up an Under Secretary of Defense for Acquisition.

That bill passed and the law is clear that the DOD reorganization directions should be followed by the Pentagon. Mr. Godwin was selected to do the job. I regret to say that by regulations, by subterfuge, by a variety of things, the Department of Defense is not giving the authority to Mr. Godwin to do the job. His resignation is imminent, Mr. President.

I have asked that the matter be brought up in hearings before the Armed Services Committee. I understand the chairman, Senator NUNN, is willing to do that. I understand Senator JEFF BINGAMAN of New Mexico, the chairman of the jurisdictional subcommittee, is willing to do that; and we will have a hearing.

Mr. President, I would further suggest that what we want to do is make it very clear to the Pentagon that we expect them to cooperate with the Congress and to follow the Packard Commission report.

Every one of them when they appeared before us, including the Deputy Secretary of Defense, said, "we want to follow the Packard Commission report."

We have passed a law that follows the Packard Commission report, Mr. President, and I suggest that the Department of Defense should follow the law that we passed last session and that the Under Secretary of Defense for Acquisitions should have absolute power over all the service Chiefs, service Secretaries, and everyone else in connection with the acquisition and procurement policies of this Government.

I simply conclude, Mr. President, by expressing my personal shock that the Department of Defense has been able, in a short time, to absolutely ignore everything that we have done in the Congress, everything that the Packard Commission did, and everything that the public has called for in the reformation of policy insofar as acquisition and procurement in the Department of Defense is concerned.

I yield whatever time is remaining back, Mr. President, and thank you for the additional time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:



[From Defense News, Sept. 7, 1987]

## GODWIN MAY LEAVE OVER PENTAGON POWER STRUGGLE

(By Judith Kohn Brown)

WASHINGTON.—Pentagon procurement czar Richard Godwin has lost his bitter battle for control of the Defense Department's weapons-buying bureaucracy, leading many high-ranking officials to say Godwin soon will leave his post.

For months, Godwin has been struggling with William Taft, deputy secretary of defense, to secure his position as the sole Pentagon procurement authority. The turf fight also has involved the leaders of the three services, who want to retain control of their own weapons programs. Godwin's post as undersecretary of defense for acquisition was created in last year's moves to reorganize the Pentagon. The idea for a procurement czar was formulated by the presidentially appointed Packard Commission.

Godwin's struggle for authority came to a head last Tuesday, when Taft signed off on several new directives that effectively stripped Godwin of ultimate control over the acquisition process. Pentagon sources agree that Taft must have had a green light from Defense Secretary Caspar Weinberger to issue the new directives, which provide Taft with a channel for overturning Godwin's decisions through the budgeting process.

Meanwhile, Pentagon spokesman William Caldwell says Weinberger "is confident that he has given Mr. Godwin his full support. He and Deputy Secretary Taft, like Mr. Godwin, have worked toward successful implementation of the Packard Commission's recommendations and toward progress in improving the defense acquisition process," Caldwell says.

The directives were revised versions of the new DoD acquisition regulations 5000.1 and 5000.2, drafted by Godwin last March, which formed the charter for his office. A third regulation, 5000.49, established the membership of the Defense Acquisition Board (DAB), the Pentagon's leading weapons review panel, chaired by Godwin.

Godwin's draft of the directives, expanding the authority of the DAB, came in for heavy criticism from service officials for broadening Godwin's oversight over DoD acquisition while undermining that of the service acquisition officials and the service secretaries.

The key revision in the new 5000.1 is a clause that enables weapons acquisition programs to be changed through the planning, programming and budgeting system process, without approval from Godwin's office.

The new system "totally cuts Godwin out" of the budget process, a DoD source laments, by enabling the services to take programs that have not been approved by the DAB, and have them modified through the Defense Resources Board. This board works out the Pentagon's budget recommendations and is chaired by Taft.

Godwin's version of the directive would have made many changes in weapons program budgets subject to the DAB's "assessment and consideration of the impact of these changes on the overall acquisition strategy and the approved program base line." The program base line is a formal agreement made by all parties concerned with a program's development, specifying the system's cost, production schedule and technical performance.

While service opposition to Godwin's original drafts was especially strong, resistance came from other circles as well, sources

say. Godwin's plan for the DAB eliminated several officials from the panel who had participated in the Joint Requirements and Management Board, the DAB's predecessor. Foremost among these were David Chu, director of program analysis and evaluation; John Krings, director of operational test and evaluation; and policy undersecretary Fred Ikle. Even under Taft's version of the directive, only Chu is a DAB member, although all are represented on the Defense Resources Board.

Ultimately, however, the dispute boiled down to a battle for authority between Godwin and Taft. In a July 30 memo, Marine Maj. Gen. Louis Buehl, Taft's senior military deputy, told Chu to amend the draft regulations in a way that would keep Godwin's hands off the budgeting process.

"[Taft] specifically does not want to have 5000.1 contain references or provisions which deal with the relationship between resources allocation under the [planning, programming and budgeting system] and defense acquisition procedures," Buehl says in the memo. Buehl further instructed Chu to coordinate the new revision with other recipients of the memo, who did not include Godwin.

Defense Department sources say Godwin told Weinberger he would resign if Taft's draft of the regulations was accepted. While some in the Pentagon say Godwin's warning never took the form of an ultimatum, they also say he is clearly on his way out. One source said Godwin might not return to work after the Labor Day weekend.

When Godwin does leave, sources say, he is likely to turn quickly to Capitol Hill, seeking a sympathetic forum from which to air all his grievances about the intrigues in DoD that have been working against his taking the kind of control envisioned when his office was established. Congress has been concerned, ever since Godwin assumed his post, that he would not have enough authority. "It's not going to be a pleasant departure," one DoD source predicts.

Godwin told the House Armed Services Committee in hearings last spring that he felt it might be "helpful" if Congress moved to boost his authority. Committee chairman Les Aspin, D-Wis., and ranking Republican William Dickinson, R-Ala., urged Weinberger to take measures that would establish Godwin as the clear authority over acquisition, threatening new legislation if Weinberger did not act. Congressional sources say Godwin's resignation would quickly become "an explosive issue up here."

Among the possibilities that the House panel had in mind, sources say, was the upgrading of Godwin's rank to make him equal to Taft. Committee members long have been arguing that they had never intended the acquisition secretary to be Taft's subordinate.

Godwin may withhold his resignation until he investigates his chances for legislative help from Congress. Godwin's aides have been sounding out congressional staff members, sources say. But until the legislators return to work Tuesday, no definite moves are planned. Godwin did not respond to a request for an interview about his plans.

Some sources say Godwin has several options before him and still is uncertain which tack to take. He can quit and hope to present his grievances at a House Armed Services Committee hearing or during confirmation proceedings for a proposed replacement.

Pentagon insiders say several replacements for Godwin are being considered, in-

cluding Harold Brownman, currently head of Lockheed Electronics Co. in Plainfield, N.J., and Robert Costello, assistant secretary of defense for production and logistics.

Costello, a former General Motors executive with considerable experience in defense-related research and development, currently is on an official visit to China and could not be reached for comment.

Brownman, as assistant secretary of the Army under the Ford administration, currently serves on the Defense Intelligence Agency Scientific Advisory Committee.

Brownman tells *Defense News* that he knows nothing of any intention by Godwin to leave his post. Brownman says he has been considered for the position as Godwin's deputy, but the last he had heard Godwin was looking within the Pentagon to fill that position.

"My name gets bandied about from time to time," he says, but adds that it hasn't reached the point at which he even knows if he wants the job.

Godwin's resignation would be a big embarrassment for Weinberger, who recommended Godwin, a fellow former executive of giant construction firm Bechtel Inc., for the position. With the end of the Reagan administration fast approaching, some observers predict that few people of stature would be willing to take Godwin's place.

Another possibility is that Godwin will try to use what clout he has in his current position to effect changes through pressures or legislation. And some say Godwin might wait to see how the directives operate in practice.

"I don't think resigning is the only option he has," a DoD source says. "I guess the way to look at it is how [the new regulations] are implemented. Is it going to be implemented where his counsel is not sought on these programs?"

While the last option—the wait and see approach—seems unlikely to most Pentagon officials in light of Godwin's reported threats to resign, Godwin earned a reputation in some circles as lacking the forceful personality for an open battle. During disputes with various service leaders over weapons programs, Godwin became known as the "undersecretary for acquiescence."

**The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.**

## SHOULD CONGRESS REPEAL GLASS-STEAGALL?

Mr. PROXMIER. Mr. President, the time has come for the Senate Banking Committee to consider the repeal of the Glass-Steagall Act. This Senator frankly has not decided whether or not it is in the national interest to take this step. Up to this point I have resisted an outright repeal. I may continue to do so. But it is time for the Senate Banking Committee to make a thorough investigation of the wisdom of repealing Glass-Steagall. There is a strong case for its outright repeal; if it is repealed it would be necessary to provide safeguards to protect the safety and soundness of our commercial banks and to prevent conflicts of interest.

Why has the time come for action on Glass-Steagall? Here is why: It is a fact of life that changes in financial

technology have revolutionized the credit markets. Computerized data systems have paved the way for more and more borrowers to bypass banks. Unless we permit banks to take advantage of onrushing technology, they will gradually become obsolete. Commercial loans have for many years constituted the backbone of commercial banks. But now commercial loans have been increasingly converted into commercial paper, as hundreds of separate loans are combined together into a security. The security is then sold in the financial market as an interest-bearing investment. Has this increased the risk for the lender who now buys commercial paper? No, indeed. On the contrary, this process provides a diversified security. It is safer than individual loans. If 1 or 2 or 5 or 10 of the hundreds of loans in the securities issue do not perform, the remaining performing loans compensate. This diversification greatly reduces the risk of commercial lending.

Similarly with mortgage loans. For most small banks and particularly for savings and loans, mortgages have constituted the heart of their business. But savings and loans and banks are losing more and more of their mortgage loans to the mortgage-backed securities market. Again computer technology has made this transformation of mortgage lending a reality. Are mortgage backed securities too risky to be underwritten by banks and S&Ls? No way. In fact, mortgage-backed securities are safer than mortgages. Why? For the same reason that commercial paper is safer than individual commercial loans. The very number of mortgages required in mortgage-backed securities provides effective safety through diversification.

Because of the long professional experience that banks have enjoyed in making commercial loans and mortgage loans they are particularly well qualified to evaluate the soundness of mortgage-backed securities and commercial paper. So why shouldn't we eliminate the restrictions imposed by Glass-Steagall against banks underwriting both mortgage-backed securities and commercial paper?

Glass-Steagall has also barred banks from underwriting revenue bonds. This is ironic because Glass-Steagall specifically permits banks to underwrite general obligation bonds. Why not revenue bonds? Answer: At the time Glass-Steagall was enacted there were virtually no revenue bonds. Now they constitute big, in fact, very big business. But are they safe? Indeed they are. In fact, revenue bonds because they are supported by a measurable, predictable source of revenue are by definition safer than general obligation bonds. And why should banks not be allowed to sell mutual funds? Again mutual funds are by their

nature diversified. They pose little risk or conflict of interest.

In every one of these areas and others, banks could provide vigorous and healthy competition. They could challenge the intense concentration that characterizes much security underwriting. They could bring down the underwriting cost, bringing direct benefit to both borrowers and investors.

Why couldn't the objective of bank competition in these areas be achieved by simply amending the Glass-Steagall Act? Doesn't Glass-Steagall prevent risky underwriting by banks of long-term corporate debt and equity? And aren't these the very areas that contributed to the financial panic in 1929 and helped bring on the Great Depression of the thirties? This is precisely what hearings should help the Banking Committee determine. This Senator has serious reservations about banks underwriting these much riskier securities, especially in view of the enormous volatility of the stock and long-term bond market and the fact that all banks now enjoy substantial Federal deposit insurance coverage. And the Nation's biggest banks have enjoyed the assurance of a Federal Government bail out if imprudence makes them insolvent. On the other hand, U.S. banks have underwritten corporate debt and equity securities outside the United States without ill effects.

Can we prudently permit banks to enter securities markets without reservation? Those who would repeal Glass-Steagall root and branch and permit this entry propose the following safeguards:

First. All securities activities must be conducted in separately capitalized subsidiaries;

Second. The bank cannot extend any credit to its securities affiliate;

Third. Banks with securities would have their minimum capital raised;

Fourth. Mergers between large banks and large securities firms would be prohibited in order to prevent concentration and ensure greater competition;

Fifth. Securities affiliates would be prohibited from selling securities to the bank, its trust department, or other affiliates of the bank.

Would these safeguards effectively prevent serious abuse? This Senator is not sure. This is precisely what the hearings conducted by the Banking Committee will be aimed at deciding.

Mr. SHELBY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

(The remarks of Mr. SHELBY appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. HOLLINGS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

#### THE REAGAN-WRIGHT PEACE PLAN FOR NICARAGUA

Mr. HOLLINGS. Mr. President, often in this land we get disillusioned with respect to Government policies, mostly, of course, our fiscal policy. We cannot bring order to our economic chaos. We buy the votes of today with the fruits of the next generation. You have heard me speak on that particular score many times.

President Reagan is the worst offender of all. What he did to fiscal policy at the beginning of his term he is doing to our foreign policy at the end of his term—in Nicaragua and elsewhere—in arms control and the Persian Gulf.

Mr. President, I am firmly convinced that this game of democratizing Nicaragua while we allow the Contras to go wanting will play right into the hands of Danny Ortega.

An article in the Washington Post by Charles Krauthammer this morning sets that out very, very clearly. I think it is well worth studying because from what I learned during an August trip almost around the world where I listened and talked, it concisely summarizes our predicament in Nicaragua.

I hope the Congress will objectively look at Mr. Krauthammer's article and more particularly, I hope our Democrats will keep their mouths closed and minds open and stop trying to play Secretary of State in Peace. O. Henry said every man cries peace, but there is none.

Peace and freedom will not be found by testing the political polls. We should go back to what George Washington said in his Farewell Address: The way to preserve peace is to prepare for war.

We have done that in Nicaragua by supporting the Contras, though in a skimpy fashion. We were about to get some results when the Central American leaders came forward with their particular peace initiative, the Arias plan. Arias does not even have an army and has never prepared for peace. That is the situation in Costa Rica.

Read the article by Krauthammer and you will begin to understand what will develop between now and November 9, and thereafter.

When President Reagan announced with great fanfare the Reagan-Wright peace plan for Nicaragua, I told him that on the contrary, it was not a plan for peace—but one that signaled the end of the Contras and the end of the hope for freedom in that country.

The leaders of the other Central American nations quickly recognized what was happening, that the Presi-



dent's action—along with the timidity and shortsightedness of the Congress—would result in abandoning the one hope to stave off the Marxist domination of the region. Thus, in order to save their own hide—and to prolong their future demise—they rushed to glory with the Arias plan calling for an end to resistance to a Communist takeover while leaving the Soviet/Cuban bloc a free reign for business as usual. The tracks of this debacle lead straight from the Congress to the Reagan White House.

Mr. President, I ask unanimous consent that Mr. Krauthammer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1987]

THE COMING NICARAGUA DEBACLE—THE SCRIPT HAS ALREADY BEEN WRITTEN

(By Charles Krauthammer)

On Aug. 7 in Guatemala City, Daniel Ortega signed a peace treaty in which he pledged, among other things, pluralism and democracy in Nicaragua. Eight days later in Managua, Ortega's police broke up a human rights demonstration held to test that pledge. The nation was protected from pluralism by cattle prods, batons and attack dogs. And just to be sure, Lino Hernandez, leader of Nicaragua's Permanent Human Rights Commission, and Alberto Saborio, head of the Nicaraguan Bar Association, were thrown in jail.

The Permanent Human Rights Commission was established in Somoza's day, at which time Hernandez defended Sandinistas and other government opponents. Inconveniently for the Sandinistas, Hernandez carried on his work after the new dictators took over. He has been representing the wives and families of Nicaragua's 6,000 to 8,000 political prisoners.

To arrest such a man is a significant signal that whatever they sign in Guatemala City and whatever they say on "Nightline," the Sandinistas rule in Managua. The signal did not transmit well here. The story made page 15 of The Washington Post and page 4 of The New York Times.

On the whole, the arrest served the Sandinistas well. It raised no protest from Sandinista sympathizers in the United States. It intimidated the local opposition. It gave the Sandinistas the occasion for performing that communist ritual of making a gift of human beings: on Sept. 8, Ortega turned Hernandez and Saborio over to a visiting American Senator (Tom Harkin), who declared his "deep appreciation" to his hosts for their generosity.

Best of all, breaking up the opposition demonstration lowered the standard of what constitutes good democratic behavior on the part of the Sandinistas. If they merely refrain from breaking up the next political rally in Managua that will be hailed as a significant sign of moderation.

Hailed by whom? Not just by anticongress Democrats, but, amazingly, by the Reagan administration, now utterly adrift on Nicaragua policy. "Are they going to continue breaking up demonstrations with clubs and cattle prods, or are they going to allow freedom of assembly? Will La Prensa be allowed to resume publishing? Will political prisoners be released?" That litmus test of Sandi-

nista behavior came from a White House official.

Well, say that the White House gets satisfactory answers (no, yes, yes, yes) to these questions. The administration is setting itself up for a policy disaster by letting contra aid hinge on such Sandinista gestures. If the Sandinistas do open a newspaper, if they do allow a Catholic radio station to return to the air, if they do release some political prisoners—so what? That in no way proves that they are prepared to carry through with the promises to democratize that they signed in Guatemala. It doesn't even prove that they are prepared to retain this narrow and temporary restoration of rights beyond the day when the contras finally wither away from lack of support. It proves only that Ortega is tactically attuned enough to know that, in the weeks before the U.S. Congress decides contra aid, it pays to play nice.

After all, the conflict in Nicaragua is not about rights. It is about power. It is not about whether a political rally or a nongovernment newspaper will be permitted. It is about whether a Leninist regime will monopolize power and dispense these rights. Because so long as it dispenses the rights, they will not be safe (and neither will Nicaragua's neighbors). The Sandinistas promised similar rights to the Organization of American States in 1979, and granted just enough of them—a moderately free press and a formally open political system—for just long enough to keep American aid flowing, to strip their democratic allies of all power and to consolidate their own. Then they systematically abolished these rights.

If Ortega is smart—and he is—he will allow La Prensa to reopen. He will allow a few opposition parties to hold rallies. He will offer a freed prisoner or two as a party favor to a passing political pilgrim from the United States. With support from congressional liberals, he will then demand in return for these eminently revocable moves (but not for any concessions having to do with political power) that the United States reciprocate by cutting off the contras. Democrats will oblige. And the administration has so maneuvered itself that it too may have to say yes, no longer knowing how to explain why the United States must say no.

President Reagan now says that his goal is "genuine democracy" in Nicaragua, but it may be too late. The depth of the administration debacle will be apparent when Ortega is confirmed in power for good and the Democrats, having finally won the Nicaragua debate, escape the consequences of their victory. Ten years from now, when Oscar Arias takes his vanity and his Nobel Peace Prize into Miami exile, Americans will ask who lost Central America. The answer will be that the Democrats thought up the idea, but they never could have swung it without Ronald Reagan.

Mr. HOLLINGS. Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 5 minutes.

Mr. BYRD. What was the request of the Senator?

Mr. HATCH. In addition to the normal 5 minutes I would take, I ask that I be permitted to take an additional 5 minutes.

Mr. BYRD. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. HATCH appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

REMARKS OF PROF. JOHN FEI ON TRADE WITH ASIA

Mr. DASCHLE. Mr. President, I recently had the opportunity to review remarks delivered by Prof. John Fei to a trade workshop on trade with Asia. The Yale University professor delivered remarks to the workshop which sought to enlighten the participants on the economic relationship between the United States and Taiwan.

Because of the importance of this issue to the 100th Congress, I would recommend to my colleagues that they review the text of Professor Fei's remarks on this very important issue.

I ask unanimous consent that the text of these remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SINO-AMERICAN ECONOMIC RELATION FROM AN EVOLUTIONARY PERSPECTIVE OF TAIWAN'S ECONOMIC INSTITUTIONS

(By John Fei)

I am very happy to be here today to talk about a currently popular issue heatedly debated recently in both the U.S. Congress and newspapers in Taipei. The issue is the export surplus and the accumulation of foreign exchange reserves in Taiwan that has persisted for almost five years since 1983. Through official and unofficial channels, the U.S. made the demands that countries like Taiwan and Korea should open their markets for U.S. products and capital investment and that Taiwan's export surplus should be curbed by appreciating the Taiwan currency beyond the twenty percent achieved over the last twenty months. Popular reaction in Taipei to the U.S. demand that curbs her "international competitiveness" is understandably belligerent and angry.

The emotional reaction in Taipei at the present time is due partly to the fact that, to Taiwan, a sustained export surplus of this magnitude and duration is an entirely new experience occurring during the process of the evolution of her economic institutions. The current Sino-American tension should be examined calmly with a historical detachment. From an evolutionary perspective the U.S. demands are really friendly, if somewhat forcefully persuasive, for Taiwan to make these reforms that will not only benefit the U.S. and Taiwan in the long run, but are indeed unavoidable with or without U.S. pressures.

I. LIBERALIZATION AND DEMOCRATIZATION OF TAIWAN'S POLITICAL ECONOMIC INSTITUTIONS

From a long historical perspective for the contemporary less developed countries in the world, the forty or so years after World War II has been a period of transitional growth from the prewar agrarian colonialism toward a modern technological society.

Of the more than one hundred less developed countries in the world, the geographic region surrounding mainland China, including Taiwan, South Korea, Hong Kong and Singapore, has been most successful. Their successes are all the more amazing in view of the fact that this is a natural resource deficient region and hence, with a high degree of trade dependence, their achievements cannot be divorced from their success in penetrating the market of the U.S. and other industrially advanced countries. The four dragons of East Asia are the first group of the contemporary less developed countries that will join the camp of the industrially advanced countries of which the U.S. is the undisputed leader. If there is a Sino-American conflict to speak of, it is certainly the direct by-product of a story that a highly satisfactory and gratifying to all of those who believe in markets and freedom. As the level of per capita income and industrial structure of Taiwan gradually catch up with that of the industrially advanced countries, so do her economic institutions as guided by her political economic cultural ideas in an evolutionary process.

Under the influence of the idea of anti-colonialism in the early post-war years, many less developed countries began the transition process with the adoption of a mixed economy. While accepting the skeleton of the markets, these countries at the same time tolerated pervasive measures of government interference. External economic policies were calculated with a xenophobic and autarkic orientation as domestic commodity and capital markets were closed to the foreigners through the erection of high protective tariff walls and barriers to international investment. Taiwan was no exception to a highly politicized mixed market system, labeled as a "planned free" economy. The angry voices of protest from Taipei at the present time really reflect political cultural values of the early anti-colonial vintage. When through trade negotiations, U.S. cigarettes landed in Taiwan last year, the emotional reaction in Taipei society was to label it as the second Opium War when China was, once again, humiliated and lost her dignity.

With a politicized mixed economy to begin with, the cardinal principle that provided the guiding force for the evolution of the economic institutions in Taiwan over the course of the last forty years has been liberalization. Market interference by an authoritative government gradually diminishes in scope and, with the withdrawal of the political force from the economic arena, liberalization implies market perfection and market integration with that of the Western World. Liberalization with an external outlook has been an ongoing process originating long before the current rounds of Sino-American trade negotiations. If this much is understood, it is easy to see that the U.S. pressure only serves the constructive purpose of accelerating the pace of liberalization. The demand of the U.S. is basically for Taiwan to depoliticize her economic institutions.

A feature of the post-war polity of Taiwan is the inheritance of a political culture of the long agrarian past, labeled by Western political scientists as "Chinese paternalism." The paternalistic polity is quite complementary to requirements of government control in the mixed economy. If the market is to be interfered with, it was interfered with at least effectively in the case of Taiwan by an authoritarian government with a long tradition of "oriental despotism".

Newspaper headlines from Taipei in recent months indicate that many of the government controls that have existed for nearly forty years in Taiwan will be abandoned. In the coming months, we expect that the newspaper ban and martial laws will be eliminated because a polity based on a system of competing parties is beginning to function. The year 1987 may well be a turning point in Taiwan for the democratization of her political institutions as well as the liberalization of her economic institutions. It is important to realize that the U.S. demand for changes in Taiwan occurs in a critical historical juncture.

## II. EVOLUTIONARY NECESSITY OF LIBERALIZATION AND DEMOCRATIZATION

In the rounds of Sino-American trade negotiations, the opening of Taiwan markets for U.S. products and capital centered around the item by item bargaining for tariff concessions along product lines. However, from an evolutionary perspective, we should be concerned mainly with changes in ideas that can erode the resistance of vested interest groups that, in the case of Taiwan, stand for a set of antiquated principles of income distribution justice.

Concerning tariff reductions, the new idea is a commitment to decrease tariffs according to a time schedule. While the concept was unthinkable barely two years ago, there is now a solid social consensus that tariff reduction will proceed by a time schedule wave after wave. The automatic expiration date for protection is an important new idea in Taiwan as it represents a commitment to the rules of the game of the industrially advanced society that protection should only be temporary to ease the pain of labor reallocation and to allow time for the entrepreneurs to make readjustments for competition. In Taiwan, the perpetual protection of infant industries is quickly going out and forever gone with the wind.

While, nominally, the angry voices of protest that we hear at the present time from Taiwan are directed at U.S. pressures, the real enemy of the vested interest groups is the new principle of income distribution justice. With the democratization of her polity, the all important issue of income distribution justice takes on a new political meaning. Under paternalism, when the "sharing of affluence" and "united we stand" were attached with a high cultural value, it was unpopular to think of interest differentiation and to uphold the democratic principle of income distribution justice under which the conflicting interests of the pluralistic society must be recognized, solicited, articulated, and compromised. In demanding that the tariff wall be lowered, the U.S. pressure amounted to a claim that the Taiwanese society renounce a policy that over the last thirty years, for example, has consistently exploited the domestic buyers of passenger cars, forcing them to pay one hundred percent import duties to augment the profits of the domestic car makers. While such income transfer policies were routinely practiced under paternalism, they become unfair in a pluralistic society when the consumers form a new interest group on the political stage. The angry voices of protest that we hear at the present time echo, at least partly, those of the vested interest groups fostered under the paternalistic polity which is now in the process of being evolved.

The emergence of ideas in the evolutionary process that has contributed to the cause of the liberalization at the present time is traceable primarily to three types of

causation factors. First of all, there is the maturity of nationalism. We know that the market closure in the early post war years was an emotional overreaction to colonialism due to fears of everything foreign. It is only natural that protectionism dissipates as a cultural value when a country gains self confidence in international competition. Taiwan opened her market because there was no more fear. Since twenty years of experience of export drive has shown that Taiwan shoemakers can win in the U.S. market, it is reasonable to assume that the Taiwan entrepreneurs can demonstrate the same competitive capacity in the domestic market. Hence, the market opens when nationalism is matured with self confidence in competition.

The so called "industrial policies" as practiced in the past in Taiwan began with an attempt on the part of the government bureaucrats to classify all industries by aphorisms such as sun rising, sun setting, down streaming, up streaming, locomotive, and sharply pioneering, to measure their relative strategic importance. No U.S. bureaucrat would, of course, even imagine that they have the capacity to rank all industries by aphorisms. The second factor associated with the birth of liberalism is that as the industrial structure gets more complex when the number of investable items multiplies, the society loses confidence in the bureaucratic ability to select money making investment projects. The old fashioned industrial policies must then be abandoned because the society becomes increasingly efficiency conscious and resents wastefulness. Finally, these "industrial policies" were implemented by an arsenal of policy instruments such as import duties, restrictions on foreign investment, preferential tax treatment and tax holidays, and preferential interest rates and terms of finance, by government controlled banks that always favored the so called strategic industries. It is common sense that to the extent that the entrepreneurial families of the strategic industries are benefitted, other social groups are victimized and hurt. Just as an import duty will favor the domestic car makers at the expense of the car buyers, all industrial policies that carry an income transfer implication that are covert and implicit under a paternalistic polity will have to be overt and explicit under a constitutional democracy.

While it took open debates in the U.S. Congress to help Chrysler when in trouble, a nod of heads of the political parents was all that was required in Taipei. The so called industrial policies of the past obeyed the cardinal principles of implicit taxation and political patronage where political representation or societal consent were redundant, unnecessary, and even unpopular. The third factor contributing to the birth of liberalization is directly associated with the discontinuation of the "industrial policies" that are incompatible with the newly emerging constitutional democracy where the economic impact of government policies must be meticulously articulated in respect to burden and sacrifice versus profit and benefits. Import duties on cars and other durable consumer goods will have to fall in Taiwan in the near future because of the fading away of paternalism and the formation of new interest groups by consumers that have the distinct possibility of rebelling and protesting. This will have to be recognized by the government for the first time in the life cycle of her polity.

Thus, when viewed from an evolutionary perspective, the birth of liberalization in



Taiwan is traced to a commitment to international competition associated with self confidence and mature nationalism. The industrial policies must be discontinued not only because they are impractical in a complex industrial society, but also because it is the only course of reform compatible with a constitutional democracy where the different interests of a pluralistic society must be articulated and compromised. In this light, the U.S. demand for Taiwan to open her markets is quite accidental and can only serve to hasten the pace of the withdrawal of the political force from the market place for the case of liberalization. The U.S. pressures are obviously a temporary phenomenon. We can be assured that when the U.S. pressure disappears in the future, Taiwan will not, once again, close her markets or revert to the polity of paternalism. In all probability, the U.S. pressures at the present time will be forgotten and will only be remembered with reverence by the economic historians in the future.

### III. TRADE SURPLUS AND EVOLUTION OF FOREIGN EXCHANGE SYSTEM

At the present time, popular resistance in Taipei toward currency appreciation is much more stiffer than that reserved for the U.S. demand for market opening. This is due primarily to the fact that with currency appreciation the profit margins of the producers for exported products are diminished instantaneously. The desires of the vested interest groups are so short sighted that the thought that the U.S. pressure amounts to a demand for long run liberalization of Taiwan's economic institutions becomes an esoteric irrelevance. Nevertheless, as was the case of tariff reduction, the demand for currency appreciation is really a demand for the withdrawal of the political force for the highly politicized international monetary system that has existed in Taiwan for more than forty years. Under the so called centralized foreign exchange system, the government monopolized the holdings of all foreign exchange reserves and all the foreign exchange earnings of the exporters had to be surrendered to the central bank at the official exchange rate. In the U.S., private holdings of foreign currency, like passports, are a basic citizen's right. In Taiwan it has always been an illegal black marketing activity. Under the centralized foreign exchange system, the wealthy Taiwanese not only cannot acquire stocks and bonds, real estate, and bank deposits in foreign lands, but are effectively deprived of the political right to make monetary donations to Yale University, democratic or republican parties, the Presbyterian church, or, in fact, any cause they believe in without government sanction. The centralized foreign exchange reserve system is a highly political one as Taiwan's monetary market is effectively isolated from the financial market in the outside world.

The political foreign exchange system is supplemented by another, even vaster, power monopolized by the government, namely, the sovereign power of credit expansion or money creation. The more than fifty billion dollar foreign exchange reserve at the present time was acquired by the Taiwan central bank through compulsory purchasing and money printing and, for this reason, always carries the potential threat of price inflation that the government is keenly aware of. Under the arrangement of the centralized system, the central bank can always step into the foreign exchange market to buy and stockpile U.S. dollars for national security purposes and thereby arti-

ficially raise the price of U.S. dollars as well as the price of U.S. products in terms of Taiwan currency. In this manner, international competitive positions of Taiwan producers can be artificially enhanced and manufactured as the profits of the entrepreneur can be augmented by political force. Through this, an export surplus can be and was politically created. After twenty years of a highly successful export drive since 1962, the economic culture of Taiwan shifted unnoticeably from "everything for exports" to "everything for export surplus" without realizing the world of difference between the two from the viewpoint of the fulfillment of her international economic obligations. Moreover, there is an insufficient understanding that the persistence of export surplus over the last five years has been traceable directly to the political intervention of the foreign exchange system that artificially manufactured Taiwan's international competitive positions. The very fact that the foreign exchange reserve has been stockpiling constitutes concrete evidence. During this period, under the pressure of public opinion, the central bank has, believe it or not, devalued her currency even when the export surplus was evidently increasing. Had the central bank not stepped into the market to stockpile foreign exchange five years ago, the Taiwan currency would have appreciated slowly to curb the export surplus. If the central bank had not arbitrarily manufactured the competitive position by political force five years ago, it would not have had to appreciate her currency so drastically over the last twenty months to restore her natural and depoliticized comparative advantage under U.S. pressures.

Thus we see that the demand by the U.S. for Taiwan to depoliticize her international monetary system and to accept a monetary culture of central bank autonomy so she can become a fullfledged member in the communities of industrially advanced countries. A truly autonomous central bank such as the Federal Reserve Bank is expected to have power to resist political pressures through whatever sources. In particular, the central bank should treat the foreign exchange reserve only as an international medium of exchange to facilitate trade. The foreign exchange rate should be determined by the force of supply and demand to bring about a trade equilibrium uncontaminated by the political force exerted when the foreign reserve is stockpiled to store external purchasing power.

I want to conclude my talk optimistically by pointing out, once again, that the year 1987 appears to be a turning point for Taiwan. It is a time in which her traditional paternalistic policy is becoming democratized and her highly controlled economic institutions are becoming liberalized. As a sheer evolutionary necessity, Taiwan's markets open up as tariff walls crumble, investment barriers lower, and gold becomes freely imported. At the time of the preparation of my talk last week, newspaper headlines from Taipei indicated that the government will discontinue the centralized foreign exchange system by allowing Taiwan citizens to hold U.S. dollars freely. It is a form of liberalization with far reaching economic and political consequences for it signifies a further integration of Taiwan's economic system with the outside world and holds promises for something far more than the solution of the problem of export surplus. These reforms of liberalization would not have taken place so quickly without the presence of U.S. pressures.

When the present liberalization movement in Taiwan is viewed from an evolutionary perspective, what the U.S. can do is to contribute to the building of an atmosphere conducive to the hastening of the transitional phase with socio-political stability. The U.S. should give her time and, to borrow an expression from the late President Roosevelt, "speak to her softly while carrying a big stick." Try to be sympathetic to the unusually large foreign exchange reserve stock and remember that when denied formal political recognition, Taiwan must pay cash for the military hardware that she acquires from her allies. Try to see that in spite of their deeds and behaviors in the opposite direction, the official reaction toward the U.S. pressures of liberalization at the present time must be one of protest and resistance. In order to preserve socio-political stability, the Taiwan government must not give the impression that it is weak and desert the vested interest groups through making too many concessions. It takes time for new liberalized ideas to take root and erode the resistance of the interest groups. The big stick or retaliation can play a more constructive role if it is pronounced frequently but used rarely. It takes a delicate art of persuasion by appealing to Taiwan's sense of duties rather than giving the impression that she is being humiliated into submission. It really is not very difficult to exercise such an art because the relationship between China and the U.S. has always been one characterized by the warmth of friendship.

### THE ELIGIBILITY OF DISABLED ATHLETES FOR THE 1988 SEOUL OLYMPIC GAMES

Mr. WILSON. Mr. President, in less than 1 year, athletes from around the world will compete in the 1988 Seoul Olympic Games. For these participants, the Olympics is an opportunity to shine in the global spotlight. Days, months, and years of hard work and devotion will culminate into a series of carefully calculated athletic competitions, separating the champions from the rest of the pack.

Of great importance and historical significance is that the Seoul Olympic Committee has sought to broaden the scope of the 1988 games to include three competitions for disabled athletes—two wheelchair races and a javelin event. I wish to applaud the committee for taking this long overdue action. Being bound to a wheelchair does not preclude an individual from becoming a champion. Indeed, it is often the courage of the sort needed to overcome a disability which makes victory possible.

What I find troubling, however, Mr. President, is that the Olympic Committee has restricted eligibility to the three events for the disabled to those athletes bound to a wheelchair. The committee did not take into consideration those athletes who are not in a wheelchair but who have overcome their disability with the help of a prosthesis. I think that a letter from one of my constituents, Mr. Robert J.

Salini of Berkeley, CA, to the Seoul Olympic Committee best illustrates this problem. I would ask unanimous consent that Mr. Salini's letter be printed in the RECORD in its entirety at the conclusion of my remarks.

Mr. Salini states in his letter:

When people mention the disabled, they often envision a wheelchair. But there are many disabled people who, through their diligence and courage, have chosen a prosthesis rather than a chair. An amputee athlete has to gather the strength to overcome phantom pains and skin tears to our stumps to be able to compete. I only wish that we, like our brother athletes in wheelchairs who will participate in the races, will have an opportunity in the Olympics to showcase our talents.

This is my hope as well, Mr. President. Changing the eligibility requirements for the javelin event would allow athletes like Mr. Salini to compete in the 1988 Olympic games. More importantly, it would strengthen the message to all of us that a loss of a limb does not preclude an individual from becoming a world champion.

For these reasons, I would ask my colleagues in both Houses to join me in urging the Seoul Olympic Committee to provide all disabled athletes the opportunity to compete in Seoul next year. Thank you.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BERKELEY, CA,  
March 4, 1987.

SEOUL OLYMPIC COMMITTEE,  
Seoul, Korea.

TO THE MEMBERS OF THE OLYMPIC COMMITTEE: I am an amputee who is missing my leg due to an accident. Recently I have discovered that the 1988 Summer Olympics will feature three events for the disabled: two wheelchair races, and the Javelin. When you are considering the guidelines for the Javelin, please do not limit the athletes to the use of a wheelchair. A lot of disabled people, through the use of a prosthesis, are accomplished athletes, but we would be left out of a chance to participate under current rules.

When people mention the disabled, they often envision a wheelchair. But there are many disabled people who, through their diligence and courage, have chosen to live their lives with the use of a prosthesis rather than a chair. An amputee athlete has to gather the strength to overcome phantom pains and skin tears to our stumps to be able to compete. I only wish that we, like our brother athletes in wheelchairs who will participate in the races, will have an opportunity in the Olympics to showcase our talents. Changing the rules of the Javelin event would accomplish this.

It is in your power to provide us amputee athletes with a stage to show the world that although we may have lost a limb or two, we still can function as well or even better than most people. This I feel will go a long way toward destroying the myths and misconceptions people have about us.

Most of all, I make my plea for all the children around the world who have lost limbs, who need the role models to demonstrate the courage it takes to leave the wheelchair behind. Many people restrict themselves to chairs who need not be in

them. With just a little incentive, they too can stand up for themselves. Seeing us compete at the Olympics could do that for them. Ted Kennedy, Jr. is an excellent role model; you can give the world others.

Please let the children and adults of the world see us at our best!

Thank you for any consideration in the above matter,

Sincerely,

ROBERT J. SALINI.

#### THE SIOUX NATION ACT

Mr. PRESSLER. Mr. President, I have spoken several times on this floor to express my opinion on S. 705, the Sioux Nation Act, which was introduced by my distinguished colleague from New Jersey, Senator BRADLEY. I am opposed to this legislation.

The Sioux Nation Act is a bill to return over 1 million acres of land, located in the western half of South Dakota, to the Sioux Nation. In addition to this land, which includes the entire Black Hills National Forest among other national park lands and monuments, the Sioux are awarded a yearly maintenance allowance from the Federal Government, all unclaimed mineral rights, the first right of refusal to purchase land from private landowners within the reestablished area, among many other provisions.

As I read the accounts of this legislation in the national media, I often find myself distressed. Only one side of the story is being told. Volumes of mail pour into my office from South Dakotans, asking me to defeat this bill. But their observations and opinions are never aired in the media.

I believe the Sioux Nation Act is a bill of goods being sold to the Nation in these media reports. It is not a solution that will right a wrong that is over 100 years old. The question of the Sioux ownership of the land was settled by the Supreme Court's decision in *U.S. v. Sioux Nation of Indians*, 448 U.S. 371 (1980). In this case, the Court upheld the previous decision of the U.S. Court of Claims, which awarded the Sioux a monetary judgment for the land in question.

I am very proud to say that while serving in the House of Representatives, I supported legislation to waive res judicata and allow the Sioux to have their case heard again. In fact, my record speaks very clearly to my commitment to assist the Sioux with improvements in their educational opportunities, accessibility to quality health care, and economic development on the reservations. I have enjoyed working closely with the tribes since first being elected to Congress in 1975. With this in mind, I feel I must make it known that S. 705, the Sioux Nation Act, is not a positive step for the Sioux Indians. This bill is heightening racial tensions in my State, and falsely raising the hopes of some who

believe ownership of the Black Hills will be given to the Sioux.

While I was in South Dakota during the August recess, many people approached me to express their opposition to S. 705. So I decided to initiate action to let people outside of my State know why there is strong opposition to this legislation. On Monday, August 31, 1987, I challenged Senator BRADLEY to a debate on the merits of the Sioux Nation Act, S. 705, on national public radio, the "Larry King Show," or some other national media forum.

Senator BRADLEY has not yet accepted this debate, but I hope he will. The far-reaching implications of this legislation should be thoroughly examined in a fair setting. It's time the American people heard, as Paul Harvey is famous for saying, "the rest of the story."

#### MISLEADING FOOD LABELING

Mr. PRESSLER. Mr. President, misleading food labeling continues to be a serious problem and I urge our colleagues to join me in support of S. 1109, a bill to require accurate labeling of food products containing palm, palm kernel, and coconut oils.

In recent years, the American public has become more health and diet conscious. In the quest for better physical fitness and longevity, we are exercising more and eating foods that we consider to be beneficial to our health. We are aware of the dangers of heart disease and, to a degree, the means to prevent it. Americans are working to modify their diets in order to improve and maintain good coronary conditioning. This includes lowering cholesterol levels in the blood. The American Heart Association and medical experts recommend reducing dietary intake of cholesterol and saturated fats. Unfortunately, many consumers are misled by food labels on vegetable oils stating that they contain no cholesterol. Such labels lead consumers to believe that the products are healthier, on the premise that all vegetable oils are low in saturated fats. This simply is not true.

The truth is that vegetable oils contain different levels of saturated fats. Some domestically produced oils, such as safflower, sunflower, corn, peanut, and soybean, have very low levels of saturated fat. However, most imported tropical oils contain much higher levels of saturated fats.

U.S.-produced safflower, sunflower, corn, peanut, and soybean oils contain between 8 and 9 percent saturated fats. These rates are remarkably low when compared to the fat content of tropical oils.

Coconut oil is composed of 92 percent saturated fat; palm kernel oil contains 86 percent saturated fat; palm oil



has 51 percent saturated fatty acid. The saturated fat content of tropical oils even exceeds lard or animal fat.

The problem here is that these highly fat-saturated oils are labeled as "vegetable oils"—as are the corn, soybean, and other domestic oils which contain vastly lower levels of saturated fats. No mention is made of the saturated fats content on the labels of these products.

Another aspect of this issue also must be addressed. Why use oils that are extremely high in saturated fats and possibly endanger your long-term health? Additionally, why use such fatty oils from foreign countries when American farmers are producing record surplus of more healthful commodities.

The importation of tropical oils has increased greatly in the past few years, and in some cases has doubled. Concurrently, since 1984, consumption of domestic oils has either decreased or risen only minimally. Coming from the agricultural State of South Dakota, I believe the unnecessary purchasing of imported commodities instead of domestic is incredible. We should be doing more to encourage the use of domestic U.S. agricultural products, especially when they obviously are so much healthier than the foreign product.

Mr. President, more precise labeling of food products made with tropical oils should be mandated through Federal legislation. It is unfair to continue misleading consumers. It is unfair to both American farmers and U.S. taxpayers to continue encouraging the purchase of tropical oils from foreign nations through inadequate food labeling standards.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### SENATE SCHEDULE

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The distinguished majority leader.

Mr. BYRD. Mr. President, I had hoped that we might be able to have some votes today on the Philippine resolution, and I had hoped that we might also get going on catastrophic illness. But the situation that has developed is that we are being straitjacketed by objections to taking up meaningful legislation. Six times we have tried to get the Senate to act, and stop filibustering on campaign financing reform. Three times we have tried to invoke cloture on the Department of Defense authorization bill. On that bill we have only had 5 of our friends

in the minority who have supported the cloture vote to take up the national defense bill; 5 Senators. We reached a point of 59 votes on that cloture effort with 54 Democrats, or 100 percent, who voted for cloture.

With only 54 Democrats and the requirement for cloture being 60, we cannot get 60 votes to take up the Defense bill unless we have 6 votes from the other side of the aisle. I am thankful for the 5 Republicans who voted for cloture. That is not enough. We have gotten only 59 votes for cloture.

Mr. President, I have tried five times to get up the catastrophic illness legislation and five times we have heard objections from the other side. The distinguished Republican leader has made a sincere, good faith effort to wipe out those objections on his side of the aisle. Yesterday, I was going to make another request but I, at the behest of the distinguished Republican leader, did not make the request so as to give him time to inquire as to whether the objections could be eliminated on his side of the aisle. I said I would not make the request while he was not on the floor. So, consequently, I did not get to make the request because the distinguished Republican leader was not on the floor again later that day.

So there we are. We see a pattern of obstruction. The minority will not let us take up the Defense Department bill, they will not let us take up catastrophic illness, and they will not let us get action on campaign financing reform.

Mr. President, the Senate is in a pathetic situation when it has to have 60 votes to take up a matter. I predict that the Senate at some point in time is going to change that situation so that it will no longer require 60 votes to take up a bill.

Mr. President, I am in a position at this moment to move to take up the Defense Department authorization bill, morning business having been closed, and such motion would be a nondebateable motion. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. I should alert Senators that I am also in a position at this point to move to take up the catastrophic illness legislation and that would be a nondebateable motion. Am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. Very well. I will alert all Senators that I am going to move to take up one or the other of those bills before I yield the floor. The Senate is going to have an opportunity to quit stalling; and it is going to have an opportunity within the next hour or so to vote on taking up one or the other of these measures—either of which I choose, the defense bill or catastrophic illness legislation. If I choose the de-

fense bill, we no longer need cloture on Tuesday because the Senate will be forced to vote today.

My patience is almost indefatigable, but there comes a time when I can no longer be patient just because I would like to be. There comes a time when I have a higher responsibility to do whatever I can do to get this Senate to act.

Here we are now on Friday. It is not yet 11 o'clock. Senators can get a vote. We can go to either the Defense Department bill or we can go to the catastrophic illness bill. Neither motion is debatable under the present parliamentary situation. I do not need unanimous consent, and I don't need cloture to shut off debate because no debate is in order.

I think it is about time that the people of this country understand what the problem is in the Senate. The Republican minority insists on dragging its feet and on objecting to taking up vital legislation. We have had this long stall on the Department of Defense bill now, and we have been unable to even take up the defense bill. What do the American people expect of their majority and minority in the Senate?

If this is the kind of record that the administration wishes to run on in next year's election, a record of stall, obstruction, delay, filibuster, veto threats, and vote "No," then that is for the administration to judge. But the American people are also going to judge. I think the American people should know who is holding up the works.

The Republican minority in the Senate has held up the works on taking up the Department of Defense bill, the Republican minority in the Senate has held up action on the campaign financing reform bill, and the Republican minority in the Senate has prevented action on taking up catastrophic illness.

All one has to do is read the RECORD to see that, to see the number of times that I as leader have tried to get up the catastrophic bill. What is wrong with it? The objection before the recess: was wait until after the recess. The distinguished minority leader tried time and time again. He and I have had our private conversations. I know he is acting in good faith. I know where the problems are.

I try to be patient. So, I said: "OK, let's try to get it worked out. I hope we can go to it after the recess." Well, we could not go to it even yesterday. The minority have had time to work it out, but they still object to unanimous consent.

The distinguished Republican leader said yesterday—and he is on the floor—that Howard Baker was going to try to get certain Republican Senators together to try to work out a pre-

scription drug problem in connection with the catastrophic illness legislation.

Why do we not get it up and let us work it out on the Senate floor? I welcome the assistance of our good friend and esteemed former colleague and leader, Mr. Baker. But the Senate should work out its own problems.

I am not very amenable to the idea of waiting on the White House to work out these problems that we Senators have a responsibility to work out ourselves. The White House has its own responsibilities, and it can tend to them, but the Senate's work should not wait on the White House.

The same can be said for DOD. Is this what we have been waiting on with respect to DOD? Is it the White House that is standing in the way? Does it not want the Senators of its own party in the body to accede to even taking up the defense bill? Is the Senate minority waiting on Mr. Baker or waiting on the White House? I have a feeling—I do not have proof, but I have a feeling—that that is the situation, that the White House is behind at least some of the stall on both catastrophic illness and the defense bill.

So, Mr. President, I make a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BYRD. Mr. President, for the record, if I move to take up either the Defense Department authorization bill or the catastrophic illness legislation at this point, could there be any debate on such motion?

The ACTING PRESIDENT pro tempore. The motion would not be debatable.

Mr. BYRD. Mr. President, I make a further parliamentary inquiry. That being the case, upon the expiration of the first 2 hours today, the morning hour—the parliamentary term—upon the close of the morning hour today, would such motion to proceed still be nondebateable?

The ACTING PRESIDENT pro tempore. The motion would be nondebateable.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Republican leader before I make a motion to go to one or the other of the two bills today. I yield with the understanding that my rights to the floor will be fully protected by the Chair.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The minority leader is recognized.

Mr. DOLE. Mr. President, let me indicate to the majority leader, as I indicated yesterday, that we have a couple of areas where we have a real difference.

I think we are near resolution on the DOD authorization bill, so that we might be able to avoid a lot of parliamentary problems, get consent to get

on that bill, and I assume stay on it. Certainly, we want to stay on it.

It is a matter that I discussed not only with the majority leader but also with the White House. I, on the theory that they can help us in this matter. I think the distinguished Senator from Georgia [Mr. Nunn] and the majority leader may have made an indication that they could be helpful.

We are going to move legislation. Sometimes the White House has to get involved, and they are involved. I had a meeting this morning with Mr. Carlucci and Mr. Weinberger. I just talked to the White House the liaison, Mr. Ball.

The majority leader can proceed any way he wishes. But I really believe that there might be a better resolution, if I had a bit of time to see if we can get some agreement to proceed to the defense authorization bill.

We have one practical problem. The ranking Republican member, Senator WARNER, will not return until 2 p.m.

We have been discussing this with other members of the Armed Services Committee—Senator QUAYLE, Senator SYMMS. We also are trying to reach Senator HELMS because of the one amendment our side of the aisle cannot tolerate or live with.

With reference to catastrophic illness, I think that on this side, it is down to 1 or 2 objections from 10 yesterday. There are fundamental reasons why we object. It is not that we do not want to bring up the bill. We are trying to resolve at least one or two areas of disagreement in that bill, and we think it would be easier to do it before bringing up the bill.

I had a meeting yesterday with Senator BENTSEN, the chairman of the Finance Committee. I know Senator BENTSEN personally called two members on this side.

I think we also may have an agreement to take up the prompt payment bill. We could agree to take up the prompt payment bill on Tuesday. I think we have an agreement to speed up the process on that piece of legislation.

In addition, we are prepared to move to the drug testing bill; bilingual education; national telecommunications; information administration; the lobbying bill; Coast Guard authorization; FCC authorization, and noncommissioned officers.

I ask that the list be included in the RECORD. These seven bills have been cleared on this side and we are prepared to take them up today or at any time.

So it is not that we are not in agreement that we should be doing something. I guess the disagreement is, what should we be doing?

I hope we can move to the defense authorization bill. I would be happy to discuss that bill—at least three matters in it—privately with the majority

leader, if he can do so without losing any rights.

Mr. BYRD. The distinguished minority leader is proposing that we go to the defense authorization bill now?

Mr. President, I ask unanimous consent that the Chair indulge my rights to continue retaining the floor while nothing happens other than a conversation between the distinguished Republican leader and myself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have had a discussion with the distinguished Republican leader, and I must say that I am intrigued and somewhat taken aback by the sudden desire to work things out and to cooperate. I say that, realizing the position that the minority leader is in. I have been minority leader so I well understand his position.

I think sometimes the minority leader is a victim of situations over which he has no control.

Now we have an indication that there might also be an agreement on the prompt payment bill. Do we have the agreement worked out and what is that agreement?

Mr. DOLE. We can get that now.

Mr. BYRD. Mr. President, the euphoria of being in a position to vote immediately on a motion to take up either the defense bill or catastrophic illness virtually overwhelms me. One thing I will not do while I am recovering is, of course, yield the floor.

Mr. President, some may wonder why I am being so slow in making up my mind as to which bill I will decide to move to. It is a bit exhilarating to be in a position to see the other side of the aisle squirm, after having put up with interminable delays for so long in getting up important legislation. There is also a practical parliamentary reason as to why I do not wish to move on either bill for yet a little while. But there is another reason: The distinguished Republican leader has asked that he have an opportunity to make a contact with the White House.

I honor and respect the Republican leader. He is a good leader and the White House should be thankful that they have BOB DOLE leading for them, but it is pretty obvious that he has to listen to the White House once in a while, and I understand that. If I were in his position I would listen too. I might not listen too long.

In any event, I have decided that I shall shortly make a motion to proceed to the Defense Department bill. There will be a rollcall vote on that motion. I suggest that the Cloakrooms get the word out to Senators that there will be a rollcall vote soon on the motion to take up the defense bill.

And, of course, if we should lose on that motion, there will be a cloture



vote on next Tuesday. If my nondebatable motion carries, the cloture vote on Tuesday will be automatically vitiated. But we will see who wishes to obstruct on this Friday, September 11, to taking up the defense bill.

But, Mr. President, this may be a moment which I will not experience again for a long time and I hope that all who listen and look will understand my reticence in giving up this moment too easily.

I have not recently seen such a willingness to cooperate from the other side. They are willing now to give me a time agreement on prompt payment, which will be nice. But that is not one of the bills I am under great pressure to bring up. It is an important bill and I am a supporter of that bill. But the legislation that has to go first is the Department of Defense and catastrophic illness, because we have a convergence of streams of legislation that are coming to a flood point soon. There are 13 appropriation bills, 9 of which have been sent over by the House of Representatives and the first of which will be reported by the full Committee on Appropriations in the Senate next Tuesday. So those appropriation bills will start coming to the floor. And then we are going to be faced, by September 23, with the expiration of the debt limit.

The pressure is great upon the Senate and the House to work out their differences on the Gramm-Rudman fix. There is also the reconciliation bill which has to be done. With all of these absolutely necessary measures coming to a head, and coming to a head soon, it means that if we are ever going to take action on the Department of Defense authorization bill, we have got to do it soon.

I tried cloture three times. And I must say to the distinguished Senator from Georgia—I hope I am not misstating the case—I would perhaps have tried only twice. I think he saw the obstreperousness of the opposition, and decided that he was not going to give in to striking out an amendment by himself and Mr. LEVIN just to get the bill up. If the Senate does it, that is a different matter. But I thought well, we will try for cloture again. So, we tried a third time and failed.

I have talked with the distinguished Senator a number of times since and he has been in conversation with Senators and he has not been able to see any light at the end of the tunnel. He has not been able to detect a willingness by the Senate minority party to give consent to take up the defense bill.

So we are up to the point where we are going to have a fourth cloture vote next Tuesday to take up the bill, but we are in a much preferable position today—and I must say, this is an experience that I will probably write about in my memoirs, if I ever get around to

it—an experience of being able to call up a measure without unanimous consent, being able to make a nondebatable motion and have the Senate vote immediately, and especially on the defense authorization bill—a bill that is so important to this country—or I can move to go to the catastrophic illness bill, which is also important to the country.

I know that there are Senators here who are impatient to get on with the vote, but I dare say that I will be pardoned, at some point in time, for having relished the circumstance that I find myself in right at the moment.

I say all that facetiously, really. I do not want this vote to occur right at the moment for parliamentary reasons, which I do not have to explain here and now but would be glad to if anybody wants to know. I also want to give the distinguished Republican leader the opportunity to make his call to the White House.

Really, what I am glad to see is the White House squirm. That is what I am glad to see. I am glad to turn the screw and just tighten it up on the White House at the moment, because there lies the problem, I have a feeling, in great measure. It has been the cause of delay, undoubtedly, because there have been Senators other than the five noble and courageous Republicans who voted for cloture, who would like to have voted for cloture because they believed that the defense bill ought to be brought up. And so I am constrained to believe—I have no direct evidence of it—but I am constrained to believe that the White House was exerting pressure on some of our friends in the minority not to vote for cloture on the Department of Defense bill.

The Senate will very soon have to vote on taking up the bill this afternoon, and we will see what the White House can do in the meantime. It may be able to keep some of the minority Senators from voting to take up the defense bill. I do not know. But it is going to have to face up to reality today.

Mr. President, I ask unanimous consent that the Senate stand in recess so that I might recover from the sudden happy circumstances that have overwhelmed me, with the understanding that I not lose my right to the floor and that, upon the reconvening of the Senate following the recess, I be recognized. I ask that the Senate stand in recess for—well, I guess 10 more minutes would give us all a chance to get our breaths.

RECESS FOR 10 MINUTES

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, the Senate will stand in recess. Upon resumption the majority leader will have the floor.

There being no objection, the Senate, at 11:26 p.m. recessed until

11:36 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. WIRTH].

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for an additional 10 minutes under precisely the same conditions as heretofore were entered in connection with the just finished recess.

There being no objection, the Senate, at 11:37 a.m., recessed until 11:49 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. WIRTH].

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BYRD. I thank the Chair.

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I intend to move to proceed to the defense authorization bill within the next 10 minutes. Frankly speaking, there are good reasons why I am waiting. One of those reasons, which I have not explained, is that in the parliamentary situation in which we now find ourselves if the announcement of the vote on the motion to proceed were to occur before the hour of 12:20 p.m. today, a call for the regular order then could bring back the unfinished business, S. 2.

Now, we are going to have a cloture vote on S. 2 next Tuesday. But I want in the meantime for the Senate to be on the Defense Department authorization bill. I do not want to wait until next Tuesday for a cloture vote on the Defense bill which could again fail. It could fail by virtue of the absence from the Senate of a single Senator who has heretofore been voting with the majority to take up the defense bill. I do not want to risk waiting on that cloture vote. Therefore, I will not take the chance that the announcement of the outcome of this vote by the Chair will occur before 12:20 today. That is the main reason why I am waiting. I am waiting until such time to make a motion that the announcement of the vote will not occur before 12:20. I can make that motion at any minute now, and the announcement of the results will not occur until after 12:20.

I have also been waiting on the distinguished Republican leader because I feel he is entitled to some time to discuss this matter with the White House.

Mr. President, if the Senate votes to proceed to take up the Department of Defense authorization bill, I hope that some amendments can be disposed of this afternoon. There are Senators

here who will be prepared to call up amendments.

While we are waiting, may I alert all Senators to the situation as we look down the road.

The Senate has completed its last scheduled break for the year. Columbus Day is on October 12, but that is on a Monday, and I have indicated to Senators that we will not be coming in on Mondays through September and October anyway, so that Senators may raise money for campaigns without missing votes. It is unfortunate that that is the system we have. We all have to live with it until we can change it. Democrats are trying to change it by passing the campaign financing reform bill. Our Republican friends—most of them—do not want to change it. But as long as we have the system, we cannot ignore our own re-elections while we are waiting to change it, so we have to face up to reality. I have faced up to reality, and I have, therefore, announced that we will not have any Senate sessions on Mondays, barring an emergency. October 12 is Columbus Day, but it falls on a Monday.

The only other day that I can see at the moment would be November 11, Veterans Day, formerly Armistice Day, and the Senate would be out on that day. That is on a Wednesday.

In recognition of the Jewish religious day of Rosh Hashonah, which begins at sundown on September 23, a Wednesday, and ends at sundown on September 24, a Thursday, the Senate will be in on the 24th, but there will be no rollcall votes prior to sundown on that date, sundown being circa 6 o'clock p.m. There likely will be rollcall votes, however, after 6 p.m. on Thursday, September 24.

Yom Kippur begins at sundown on Friday, October 2, so that poses no problem. There will be votes that day, the religious observance beginning not until sundown, or 6 o'clock, that evening.

Mr. President, I yield to the distinguished Republican leader without losing my rights to the floor, for not to exceed 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized, without objection.

Mr. DOLE. I thank the majority leader.

Mr. President, I want the RECORD to reflect that there is going to be a vote in any event. We are trying to locate one of our colleagues, the distinguished Senator from Wyoming [Mr. WALLOP], who is not available at this moment. But I have checked with a number of my colleagues—Senator QUAYLE, Senator HELMS, and, through staff, Senator WILSON. I have indicated to the majority leader that I will support the motion to proceed.

As I understand the parliamentary situation, if the motion to proceed

passes, then we are on the defense authorization bill. We stay on it until we will complete it, unless there is an agreement to go to something else. It would displace campaign financing, S. 2, unless cloture was invoked on S. 2 on Tuesday.

I suggest to the distinguished majority leader that there are still going to be a number of contentious issues on the defense authorization bill, and one way to determine how contentious is to have the bill up.

I want the RECORD to show that the White House has been very helpful in this instance. They have made a couple of phone calls. I called last night, suggesting that we ought to get on with something. They had a meeting this morning with the Secretary of Defense, and Mr. Carlucci, the President's adviser. It has been discussed with all of them, down the line, at the White House. That may come as some shock to the distinguished majority leader. But I want him to know, that the White House has been very helpful, as they have been many times in the past.

I think we soon will be on the defense authorization bill. Another reason the majority leader was delaying the vote a bit was to make it possible for the distinguished Senator from Virginia [Mr. WARNER], who is the ranking Republican on the Armed Services Committee, to be here for that vote. His plane lands this afternoon. If the plane is on time, he should just about be on his way to the Capitol.

So I thank the majority leader. I want the RECORD to clearly reflect that we have made every effort to locate Senator WALLOP, and we are still making that effort. But I do not think we are going to be able to find him.

Mr. BYRD. Mr. President, I thank the Republican leader. I was aware of the leader's efforts to get in touch with Senator WALLOP, and he has been unable to do that.

I was aware of his concern also to get in touch with Senator WARNER, Senator WARNER being the ranking member of the Armed Services Committee. If he can be here at all, I certainly want to give him every opportunity to vote. I was told earlier by Senator DOLE that Senator WARNER would not be scheduled to land until 12 noon. That vote can be stretched out for a reasonable length of time, and I would be happy to do that to accommodate Senator WARNER.

Mr. President, S. 2 will be displaced, and I have already indicated why I have elected to displace it: Because, otherwise, even if the Senate voted today to take up the defense authorization bill, if that vote to take up were to be announced before the hour of 12:20, a call for the regular order thereafter would bring S. 2 back

before the Senate and displace the defense bill.

We have had six shots on S. 2. We have one more good opportunity next Tuesday to invoke cloture. I hope that we will invoke cloture on S. 2 next Tuesday. If we do, that will only temporarily displace the defense authorization bill. If we do not get cloture on S. 2 next Tuesday, that measure will be revisited at some point in time during this Congress—if not this year, certainly next.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I move that the Senate proceed to the consideration of the Defense Department authorization bill, which is Calendar Order No. 120, S. 1174, and I ask for the yeas and nays on the motion to proceed.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. BINGAMAN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. McCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from California [Mr. WILSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] and the Senator from Minnesota [Mr. DURENBERGER] would each vote "yea."

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from South Carolina [Mr. THURMOND].



If present and voting, the Senator from Wyoming would vote "nay" and the Senator from South Carolina would vote "yea."

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 4, as follows:

[Rollcall Vote No. 240 Leg.]

#### YEAS—79

Adams	Glenn	Nunn
Baucus	Graham	Packwood
Bentsen	Grassley	Pell
Boren	Harkin	Pressler
Bradley	Hatch	Proxmire
Breaux	Hecht	Pryor
Bumpers	Heflin	Quayle
Burdick	Heinz	Reid
Byrd	Inouye	Riegle
Chafee	Johnston	Rockefeller
Chiles	Karnes	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sanford
Conrad	Kennedy	Sarbanes
Cranston	Kerry	Sasser
D'Amato	Lautenberg	Shelby
Danforth	Leahy	Simpson
Daschle	Levin	Stafford
DeConcini	Lugar	Stennis
Dixon	Matsunaga	Stevens
Dodd	McConnell	Symms
Dole	Melcher	Trible
Evans	Metzenbaum	Warner
Exon	Mikulski	Weicker
Ford	Mitchell	Wirth
Fowler	Moynihan	
Garn	Nickles	

#### NAYS—4

Gramm	Humphrey
Helms	Specter

#### NOT VOTING—17

Armstrong	Durenberger	Murkowski
Biden	Gore	Simon
Bingaman	Hatfield	Thurmond
Bond	Hollings	Wallop
Boschwitz	McCain	Wilson
Domenici	McClure	

So the motion to proceed was agreed to.

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. NUNN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

The bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

#### A RESOLUTION TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES.

Mr. BYRD. Madam President, the distinguished Republican leader is on the floor. Before we proceed on the defense authorization bill, would it be possible to get up the Philippine resolution, of which the distinguished Re-

publican leader and I are the chief sponsors? Is it possible to get that up and get a vote on it while Senators are here?

We have been discussing this, now, for 2 or 3 days and I am prepared to ask unanimous consent, so if there is a Senator who objects to this, we will know who it is.

This resolution expresses support for President Corazon Aquino and the Government of the Philippines. I am going to ask unanimous consent that the Senate proceed to the immediate consideration of this measure. Our staffs have been working on it for some days now and there were times when I was told that we were in agreement to take it up, but something broke down.

This carries the cosponsorship of—in addition to Mr. BYRD and Mr. DOLE—Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, and Mr. MELCHER. Other Senators are welcome to add their names.

I ask unanimous consent that Senators may do so.

The PRESIDING OFFICER (Mr. FOWLER). Is there objection?

Mr. DOLE. That is only to the cosponsorship; you have not made the request?

Mr. BYRD. No, I have not made the request yet. That was only cosponsorship.

The PRESIDING OFFICER. Is there objection to the authority to add additional cosponsors? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, if the Senate is going to express support for President Aquino, and I think it should, it loses its impact if the Senate continues to wait, so I am going to ask unanimous consent that the Senate proceed to the immediate consideration of this resolution.

Mr. DOLE's staff and my staff have worked many hours on this resolution. We are ready to proceed.

I do not make that request at the moment, until after the distinguished Republican leader has been able to respond and I yield the floor for that purpose.

The PRESIDING OFFICER. The Republican leader [Mr. DOLE] is recognized.

Mr. DOLE. Mr. President, I share the view expressed by the majority leader and I would hope that we could pass this resolution today. I understand there are still one or two problems or one or two Members on this side that I need to consult with. I am wondering if the majority leader might make the request at a later time.

I know there has been a lot of staff work done. I think we have been working with staffs of different Members and the Members themselves. I am not certain the distinguished Senator from North Carolina has had a chance to

see the latest version and he is the ranking Republican on the Foreign Relations Committee; and obviously is very interested in this resolution.

So, if we could withhold making that request, otherwise I would be constrained to object even though I am cosponsor of the resolution.

Mr. BYRD. All right. I think the Senate has to begin to show down one way or another on these matters. I owe the courtesy to the Republican leader to wait and I owe the courtesy to the distinguished ranking member of the Foreign Relations Committee, Mr. HELMS, so I will not present the request just now. But we cannot wait too long because if we are going to have a rollcall vote on this resolution today, Senators need to know earlier rather than later.

Mr. President, I will not make the request for at least a half hour.

Mr. HELMS. Will the distinguished majority leader yield?

Mr. BYRD. Yes.

Mr. HELMS. Mr. President, in the first place, the resolution may have been modified since I saw the last version. There are some statements in there which cannot be confirmed.

Second, I do not know that it would be harmful to have a brief hearing on this. As far as I am concerned, I have enjoyed President Aquino's company on occasion, but I think we ought to have, I say to the leader, at least a half day or an hour or two of hearing and bring in witnesses who do not agree with this, who were anti-Marcos.

I hope Senator PELL will be willing to call such a hearing. Monday would suit me, or Tuesday, or whatever. Let us hear from these people. Then I will be delighted to add my name as cosponsor, just so that the information therein is accurate.

But right now, unless it has been changed, there are some inaccurate statements in the resolution and I would have to do what I could do to prevent it being considered today.

Mr. BYRD. Mr. President, I thank the distinguished Senator from North Carolina, for whom I have a great deal of respect and toward whom I entertain a genuine feeling of fondness. I say that in sincerity.

But I am not a supporter of Marcos; I am a supporter of President Aquino and the present Government of the Philippines. It is a new democracy which is having its problems and we need to support it. I will proceed to ask unanimous consent after the distinguished Senator from North Carolina has had an opportunity to look at the resolution, to look at the language, and if there is some language to which he objects, perhaps we can resolve that problem. But I am not willing to let this matter continue to be delayed while the urgency exists.

Mr. President, I think the adoption of this resolution would certainly have a good impact on democracy in the Philippines, and the longer we wait, the less impact it will have.

Mr. President, for now I will not ask unanimous consent, but it is my intention to ask unanimous consent for the immediate consideration of the resolution later. If Senators wish to delay that, they can do so. They can either object or, if it is brought up, they can talk on it, in which case I might have to enter a cloture motion on it.

Mr. HELMS. Will the distinguished majority leader yield once again?

Mr. BYRD. I yield.

Mr. HELMS. Can he tell me when a copy will be made available?

Mr. BYRD. Yes, Mr. President. I will provide the distinguished Senator with a copy.

Mr. President, I ask unanimous consent that, without it is being offered, the clerk read the resolution. I make this request without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

The clerk will read the resolution.

The assistant legislative clerk read as follows:

**RESOLUTION TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES**

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied overwhelmingly in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections, and revived the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino enjoys the overwhelming allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing insurgency threatening political, economic, and social stability and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corazon Aquino to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist-led insurgents by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery is crucial to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibrant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of military or other assistance if a duly elected Head of Government is deposed by military coup or decree; and

(6) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

Mr. BYRD. Mr. President, my staff will see that a copy of this resolution is provided to Senator HELMS and any other Senator who wishes it. I will yield the floor at this time and I will not now pursue the request for the immediate consideration of the resolution. I will return to it within a relatively short time, however.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989**

The Senate continued with the consideration of the bill.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BYRD. Mr. President, will the distinguished Senator from Georgia yield to me for a moment?

Mr. NUNN. Mr. President, I yield to the majority leader.

Mr. BYRD. Mr. President, I have had a good many Senators ask if there are going to be rollcall votes this afternoon. This is a serious bill, as we all know. This is a serious effort to get on with the bill. The bill is now before the Senate. There have been various Senators, including myself, who have urged that the Senate proceed to its consideration. Now that it is before us, I hope that Senators will now address the bill seriously and offer amendments, and that we can make some progress on the bill this afternoon.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the majority leader for all of his assistance, diligence, and dedication in getting this important bill before the Senate. I can assure him that we are going to make as much progress as possible today. We have opening statements that are to be made on this bill. Our subcommittee chairmen will be outlining their own areas of jurisdiction. The ranking members of the subcommittees will be doing likewise.

Mr. President, no one is more pleased than I am to have the bill before us. I hope we can make good progress on it today and next week. I thank the majority leader for his effort in getting this bill before us, which has taken a long, hard, and dedicated effort. But here we are and I hope we can make progress.

Mr. BYRD. Mr. President, I thank the Senator for his comments and his support in getting the bill before the Senate.

Mr. NUNN. Mr. President, I also want to thank the Senator from Virginia for his cooperation during this difficult period. We have not agreed on some of the issues, but we have maintained a very close coordination and working relationship, which is so important for the committee that we both serve on and are dedicated to in support of our national security.

Mr. President, I also welcome my colleague from Virginia back to the Senate. I know he has had a long and rather strenuous journey. We welcome him back.

Mr. President, I say to the distinguished Senator from Virginia, we have not had a chance to communicate very much, but my plan is to begin with opening statements and hopefully get some amendments up this afternoon.

Mr. WARNER. Mr. President, I express appreciation for the remarks of the distinguished chairman of the committee, my good friend and colleague. It is definite by this vote that the decision was made in collaboration with the President's staff that we should proceed on the bill. The Senator from Georgia knows that throughout this debate I have been of an open mind on this issue. So much for that.

We are going to proceed with our opening statements, and I should like to advise that I have scheduled, of course, to remain here throughout the afternoon and if any Senator desires to speak ahead of me, he or she may do so. I will be happy to accommodate our colleagues in terms of their schedules in the afternoon.

We will, however, in the course of the opening statement focus at length on the strategic issues, and I say to my good friend, the chairman, and to others that as we proceed on this bill, and in particular with the debate on the Levin-Nunn amendment, let us



bear in mind that we do not want to move the negotiations on arms control from Geneva to the floor of the Senate. I hope all will proceed with great caution as we deliberate on these issues at this particularly sensitive time when our Secretary of State and the Foreign Minister of the Soviet Union will be meeting here in a few days; progress in this area seems to be moving forward in a hopeful manner.

Mr. NUNN. I certainly share the sentiments of my colleague from Virginia in that regard. As he knows, we spent literally weeks last year trying to work out arms control provisions that were in the House bill and Senate bill in a way that was conducive to the interests of our national security. I know the Senator from Virginia joins me in making it plain to our partners in negotiation and sometimes adversaries in world affairs, the Soviet Union, that this is a Government that has more than one branch and that we are not a monarchy, nor are we a dictatorship; that the Senate of the United States not only has to advise and consent on the making of treaties but we also, according to the words of the famous Virginian by the name of James Madison, are makers of treaties; the treaties of this country become law of the land under the Constitution—the law of the land—and we are makers of the treaties. Our role is not simply one of consultation. The role of the Senate is to help the executive branch by advice and consent. James Madison in the *Federalist Papers* said that the Senate and the President make treaties. He did not say the President makes treaties. He said the Senate and the President make treaties. The administration negotiates those treaties.

So the word should go out that we are not trying to negotiate treaties on the floor of the Senate, but word should also go out that this country is not a monarchy; that this country has more than one branch of Government; and that we all have to respect that separation of powers. While the administration negotiates treaties, the President of the United States does not change treaties that are the law of the land any more than the President of the United States changes other laws that are on the books without the approval of the Congress. So I think that message will be clear as we go forward in this debate, and I look forward to the debate. I think it will be very interesting and hopefully enlightening. A lot of details are involved and perhaps we can learn more from each other as we go through this dialog.

Mr. WARNER. Mr. President, I appreciate the sentiments of my distinguished friend and colleague, and I would add one other adjective to the debate. It is likely to be lively.

Mr. NUNN. The Senator says that after flying all the way across the

ocean and when he rests he is really going to be charged, I can tell.

Mr. President, I am pleased to bring before the Senate S. 1174, the defense authorization bill for fiscal years 1988 and 1989. This bill provides the authorization required in the law for almost all of the major functions under the jurisdiction of our committee, including the activities of the Department of Defense, Department of Energy nuclear weapons programs, and the military construction program.

The Armed Services Committee started our work this year before the President submitted his budget to the Congress. We worked long and hard. We reported this bill out on May 8. We had our first attempt to invoke cloture on this bill on May 13. We have had several attempts since then. And, of course, we have had an awful lot of behind-the-scenes effort to get this bill up. So I am pleased and delighted probably more than anyone in this body to have the bill before us today.

In early January the committee began an extensive series of hearings on U.S. national security strategy with distinguished military and civilian witnesses in and out of Government. Military strategy is the essential beginning point for any decisions on what is needed for national security. These hearings form the baseline and the framework which the committee used to evaluate the policies and the programs in the President's defense budget request for fiscal years 1988 and 1989.

From the strategy hearings, we transitioned to our detailed review of the fiscal years 1988 and 1989 defense budget with macrobudget overview hearings with witnesses from the Congressional Budget Office, General Accounting Office, and Defense Department. These hearings put the defense budget in the broader context of the entire Federal budget and addressed the critical issue of the implications for current and ongoing defense programs of strategic defense spending levels over the next 5 years.

We then conducted a review of the contents of the President's defense budget for fiscal years 1988 and 1989 with detailed budget briefings for the staff on the programs in the budget request. These staff briefings were followed by full committee and subcommittee hearings which focused primarily on major issues and policy questions in the President's budget request rather than the details of the various budget line items. As part of our revised subcommittee structure, we focused primarily on broad defense missions and military outputs rather than on individual line item inputs.

Our actual markup of the bill began the week following the Easter recess and lasted 2½ weeks. During this

period the subcommittee or the full committee met at least once a day and usually twice a day.

The result of this process, Mr. President, is the bill before the Senate which represents a strengthening of our national security within a realistic fiscal posture.

For the first time in its history the committee is recommending a 2-year authorization bill for most of the programs under our jurisdiction. In response to an amendment which I sponsored in the fiscal year 1986 Defense Authorization Act, the President submitted a 2-year budget for national defense programs for fiscal years 1988 and 1989.

The committee made a major effort to implement the 2-year budget to the maximum extent possible. Unfortunately, the administration's overall budget for fiscal year 1989 failed to meet the Gramm-Rudman-Hollings deficit reduction target for fiscal year 1989. This made it impossible for the committee to establish an overall spending level for national defense in that second year, that is, fiscal year 1989.

The Department of Defense did a good job in preparing a 2-year budget, and Secretary Weinberger, Deputy Secretary Taft, and others should be commended for addressing in a serious way fiscal years 1988 and 1989 in a single budget. I cannot say the same thing for the President's overall fiscal plan for those 2 years. And when the overall plan has no relationship to the Gramm-Rudman targets, it means that the defense component of that cannot be addressed as seriously as would have otherwise occurred. So we were not able to come to a complete and total picture for the 2-year authorization because if we had, the defense portion would have been the only portion of the budget that would have been addressed and the other portions of the budget were not in sync with the targets that the President himself had endorsed. We did the best we could and we have made a good start.

The overall budget for fiscal year 1989 will be subjected to significant alteration next year when the administration complies with the Gramm-Rudman-Hollings requirement to submit a budget that meets the fiscal year 1989 deficit reduction targets, that is, assuming we have a Gramm-Rudman-Hollings target next year. And I will leave that to others who are working on it at this time. In spite of these difficulties, the committee bill authorizes approximately 73 percent of the defense authorization request for fiscal year 1989. So this is a real milestone. We have never had a 2-year authorization bill before, and this I think is real progress that we hope we

can continue and improve in the years ahead.

The committee focused its work on the second year of the budget request on stable, noncontroversial programs and activities. Those programs and activities not authorized for fiscal year 1989 were not excluded with prejudice. These programs will be considered next year in what we hope will be a very abbreviated fiscal year 1989 defense authorization bill.

Mr. President, I am extremely pleased with the results of our first attempt at biennial budgeting. We have shown a 2-year budget can work. Biennial budgeting will improve congressional oversight of defense programs and achieve long-term savings and better management of national security programs as the Defense Department and the defense industry stabilizes its planning and procurement processes. It will also permit the Congress to focus more on broad oversight issues and not so much on individual program details.

#### RELATION OF COMMITTEE BILL TO THE BUDGET RESOLUTION

The total amount authorized for defense appropriations in the committee bill for fiscal year 1988 is \$224.5 billion. When the personnel levels authorized by the committee, as well as the remaining elements of the national defense function, are included, the committee bill results in a total of \$302.9 billion in budget authority for the national defense function in fiscal year 1988.

The committee began the process of marking up this bill in late April before the Senate acted on the budget resolution. In the absence of clear direction from the Senate, the committee marked up two separate funding levels for fiscal year 1988—real growth of zero, meaning last year's level plus the rate of inflation; and 3 percent real growth, meaning last year's level plus inflation plus 3 percent.

We did that because we had no guidance at that time from the Senate as to how we should proceed because the Senate had not passed the budget resolution.

S. 1174 as reported by the committee represents an overall level of real growth for national defense in fiscal year 1988 between 0 and 1 percent.

Since the committee reported this bill to the Senate back on May 8, the Congress has adopted a budget resolution for fiscal year 1988 with two levels for national defense.

At the so-called high-tier for national defense, the budget resolution would require reductions of \$16 billion in budget authority and \$8 billion in outlays from the President's fiscal year 1988 budget request. For the first time in the last several years, this is a realistic first-year outlay rate of 50 percent for the budget authority reductions we will have to make.

This bill includes reductions of approximately \$9 billion in budget authority and \$4.4 billion in outlays from the fiscal year 1988 budget request. Obviously, we will have to make further reductions in conference with the House in order to meet the high-tier level of the budget resolution.

Although I personally am dreading having to make a number of these reductions because they are going to hurt, I am confident that the committee will be able to meet the budget authority in outlay targets in the high tier of budget resolutions in the final conference agreement. We are still going to be in doubt, however, about whether the high tier or the low tier is going to apply. I will not go into detail now because all our colleagues realize that there is still considerable doubt about whether we are going to have any agreement between the administration and the Congress on the budget levels, and on the whole question of whether there will be revenue increases.

I think most of our colleagues on both sides understand that the defense number depends on whether there is going to be any revenue raised and that depends, of course, on whether the White House becomes a part of the overall budget deliberations.

The low-tier for national defense in the budget resolution presents a very different problem. If the President does not sign the reconciliation legislation, then the levels of national defense budget authority and outlays in the resolution would be reduced by \$7 and \$6 billion respectively.

These additional reductions would require total reductions of \$23 billion in budget authority and \$14 billion in outlays from the fiscal year 1988 budget request for national defense. This translates into a first year outlay rate of over 60 percent. Mr. President, it is just not possible to get \$14 billion in outlay savings from \$23 billion in budget authority cuts without cutting very deeply into the fast-spending personnel and readiness accounts. No one wants to do this. The only alternatives are to use budget gimmicks like the House provision putting a moratorium on defense contract payments for the last 12 days of the fiscal year, or cutting significantly more than the \$23 billion in budget authority that the budget resolution requires at the low-tier.

We will be in a very unfortunate situation if we have to live with the low-tier of the budget resolution for national defense in fiscal year 1988.

This is not a decision for the Congress alone. It is also a decision, the President of the United States is going to have to weigh, the Secretary of Defense is going to have to weigh, and also other departments, including the State Department, which has a big

stake in the national security budget of our Nation.

The reductions necessary to meet the low-tier targets—particularly the outlay target—will put fiscal year 1988 defense spending below what a large majority of us think is necessary to sustain our national defense efforts.

#### COMMITTEE APPROACH TO MARKUP

At the beginning of our markup process, the committee sought to follow a set of general principles to guide its work on the defense authorization bill. The primary consideration was the need to strike a balance among the four pillars of a sound defense: readiness, sustainability, modernization, and force structure. In trying to balance these competing demands, the committee took into account the administration's heavy investment in strategic nuclear modernization during the last 6 years and the prospects for relatively flat defense spending in the near future. The committee had many discussions about the priorities and affordability of programs within realistic budget constraints.

The results that emerged from these considerations generally protected readiness—the ability to fight today or in the near term—and sustainability and that means the ability once the fight starts to begin and to continue the fight and sustain it as long as necessary. But also we emphasize the modernization of conventional forces.

In budgetary terms, this approach minimized funding reductions to readiness and sustainability programs; allowed higher, more efficient production rates for existing conventional weapons systems; and increased the investment in high technology research. At the same time, the substantial funding requested for further research and procurement of strategic weapon systems was reduced. In fact, over 40 percent of the committee's reductions to the request were in the strategic forces area.

The committee also tried to address the so-called bow wave problem in the defense budget in which the military services start more programs than they can afford to buy at efficient production rates.

That is one of the worst problems we have in the defense budget now. I have been talking about it for several years. We have started far too many programs to be able to adequately fund all of them at efficient production rates. We read a whole lot about coffee pots, screwdrivers, and those kinds of things as waste—and those are all important and we ought to make sure that does not happen, the Department of Defense should make sure it does not happen. It is inexcusable. But that is not where the big dollars are. It is not where the big waste is. The big waste is too many pro-



grams, too few units being produced each year, and monumental inefficiency in production lines. Unless we begin doing something about that problem, and unless the Department of Defense takes a lead in that, then the problem is going to get worse and worse and worse.

The services have initiated many large new start programs that have enormous outyear costs. GAO has estimated this "bow wave" to be in excess of \$500 billion. The Air Force alone has committed to six to eight major new programs that will cost from \$200 to \$250 billion. The Comptroller General summed up this situation in testimony before the committee when he stated:

Historically, too many weapon systems have been started or proposed for the limited funding available, and often the cost estimates for the systems have been overly optimistic. This combination—too many programs and optimistic cost-estimating—has produced the much discussed "bow wave" phenomena where future funding requirements out-strip funding availability.

That summarizes the dilemma we have in defense now. In the next several years we are going to see that more and more people are going to realize more and more what has happened.

The committee considered the initiation of several major new starts in this context. It delayed the development of the LHX helicopter, for example, but chose not to slow the Air Force's advanced tactical fighter. Rather than slow the Navy's advanced tactical aircraft, the committee decided to terminate the A-6 medium attack aircraft. These are only the first steps in the difficult process of trying to come to grips with this serious problem. Both the Pentagon and the Congress need to do much more in this area.

#### IMPROVING CONGRESSIONAL OVERSIGHT OF DEFENSE PROGRAMS

Last year during our committee's work on the Department of Defense reorganization legislation, Senator Goldwater and I spoke of the need to substantially reorder and improve the way Congress carries out its oversight responsibilities for national defense programs. We pointed out that, in our opinion, Congress spends too much time in redundant review of the details of national defense programs, focuses too much on accounting and budgeting considerations, and spends too little time on major policy issues.

Senator WARNER and I have worked closely together this year, and our staffs have to try to change that historical pattern. We do not stand here before our colleagues saying we have made all the changes that are necessary. We do not intend to do that, and I believe my colleague and friend from Virginia would agree with this. We made progress.

The committee took its self-criticism to heart this year. The bill before the Senate reflects the committee's continued efforts to reduce congressional micromanagement of defense activities. As I indicated, the committee began the year with a lengthy series of strategy hearings that served to place the budget request into a comprehensive policy context. Then, the six subcommittees reviewed the request along the broad mission and resource areas around which they are organized.

In its markup of the bill, the committee made far fewer detailed changes to individual line items than in the past and, instead, focused its attention on broad policy issues. In fact, the committee changed fewer than 200 of the thousands of line items in the procurement and research and development [R&D] request. This is a substantial reduction from previous years. Where reductions were necessary just to meet budget targets, they were usually achieved in the form of undistributed reductions to large accounts in order to give the Defense Department managers the greatest flexibility in implementing the reductions. This broad approach is reflected in the dramatically shorter length of the report accompanying the committee's bill. It is almost 300 pages shorter than last year's report. The bill itself is over 100 pages shorter. This is even more remarkable in that our report covers 2 years which, if past practice were in vogue, would have covered approximately 1,000 pages instead of the 200.

Finally, the committee adopted a number of proposals to increase the flexibility of Defense Department managers to execute their programs and to reduce the volume of reports submitted to the Congress. For example, in a significant change from historical practice, the committee approved funding for 5 years for five milestone authorization programs. Instead of having to rely on annual authorizations for their funding, these programs were authorized for their entire research and development and up to 5 years of their procurement. These milestone authorization programs are the mobile subscriber equipment [MSE], the Army Tactical Missile System [ATACMS], the Trident II missile, the T-45 trainer aircraft, and the medium launch vehicle.

Mr. President, the committee's actions are described in detail in Senate Report 100-57 which accompanies S. 1174. I want to take a few moments to highlight the committee's actions in major functional areas of the committee's jurisdiction.

#### RESTRICTION ON TESTING SPACE BASED ABM SYSTEMS

The committee bill includes a provision prohibiting the expenditure of funds in fiscal year 1988 or 1989 for the development or testing of space-based or otherwise mobile ABM sys-

tems or components unless a joint resolution is enacted removing this restriction. The amendment provides expedited procedures—similar to those followed in 1985 with regard to the MX—that will ensure that a proposal by the President to conduct such development and testing would come to an early vote in both Houses. This is the provision that has generated the "veto threats" and the votes against this bill by a majority of the Republican members of the committee.

The administration has requested no funds in fiscal year 1988 or fiscal year 1989 to restructure the strategic defense initiative to include development and testing in accordance with the so-called broader interpretation of the ABM Treaty that it announced in 1985. In fact, on April 1, 1987, General Abrahamson, Director of the SDI organization, and Under Secretary of Defense Godwin testified to the committee that all SDI research projects and all planned major experiments for these 2 years have been designed to be fully compliant with the traditional interpretation of the treaty.

The administration is currently considering whether to restructure the SDI to take advantage of the broader interpretation, but it has reached no decision. However, the administration insists that it reserves the right—acting independently of Congress—to make this switch. The committee provision does not prejudice the wisdom and desirability of any future administration decision to develop and test space-based ABM systems or components. It does, however, preserve Congress and this committee's prerogatives with regard to any such proposal by reserving the right to approve the proposed expenditures involved in such a fundamental change in policy, as well as the legal basis for reinterpreting the ABM Treaty to permit such activities.

#### STRATEGIC FORCES AND NUCLEAR DETERRENCE

The budget request for strategic programs totaled \$52.4 billion in fiscal year 1988, a considerable increase over last year. It reflected a growth rate that exceeds every other defense mission area by a significant margin. The committee scrutinized the request very carefully in light of severe current budget constraints, the progress that has been made in improving U.S. strategic capabilities over the last several years, and the substantial unmet needs outside the strategic forces area.

The committee made reductions of \$3.2 billion from the request for strategic research and development; \$500 million from the procurement request; \$226 million from the Department of Energy's national security programs; and \$20 million from the request for the Federal Emergency Management Agency. In spite of these reductions, funding for strategic programs would

still grow by about 1 percent, in real terms, over last year's level.

The committee approved a combined Defense Department-Energy Department strategic defense initiative funding level of \$4.5 billion. This level represents real growth of 22.5 percent over the fiscal year 1987 appropriation level, but it is substantially below the request, which projected real growth of 55 percent over last year's appropriation. Of the total, \$4.1 billion is for the Defense Department and \$380 million is recommended for authorization to the Department of Energy.

In the area of ICBM modernization, the committee authorized sufficient funding to procure the requested 21 Peacekeeper missiles, \$1.2 billion; continue development of the small ICBM, \$700 million; and continue research on the proposed rail-garrison basing concept for the Peacekeeper missile, \$400 million. The committee's deliberations focused on the implications for survivability of the rail-garrison basing mode for Peacekeeper and on the cost implications of the hard mobile launcher basing mode for the small ICBM.

The committee authorized full funding for the advanced technology bomber [ATB] and made marginal reductions in advanced cruise missile procurement. With respect to the B-1B bomber, the committee moved to impose tighter oversight controls on corrective measures for the defensive avionics system and denied funding for the four proposed new capabilities for the bomber.

The committee continued several programs related to antisatellite [Asat] research and development. Although the committee reduced the F-15 miniature homing vehicle [MHV] by \$71.6 million for budgetary reasons, it authorized funding for continued development and testing in this program and provided full funding for the proposed ground-based laser project. The committee denied authorization for F-15 MHV advance procurement and for the proposed enhanced altitude capability.

The committee authorized \$5 million for Bigeye bomb procurement by the Air Force and the Navy out of the \$25 million requested to complete low-rate initial production. This action in no way signifies reduced support for this important deterrent program, but rather reflects the committee's understanding that the test program will be delayed in order to correct deficiencies in two bomb components. These funds would not be obligated in fiscal year 1988 in any event. In addition, the committee initiated a technology program that would contribute to our ability to monitor compliance with a chemical weapons convention.

The committee took several important initiatives in the area of Department of Energy national security pro-

grams. First, the committee believes the time has come to deal decisively with the problem of assured nuclear materials supply. Accordingly, the committee placed the troubled N-reactor at the Hanford Reservation in Washington in a standby status indefinitely and used the funds made available by this action to initiate development of a new production reactor. Second, the committee approved full funding for critical environmental, health, and safety activities. Third, the committee restored funding for the Inertial Confinement Fusion Program to last year's level.

I want to commend Senator Exon and Senator THURMOND for their strong and capable leadership of the Subcommittee on Strategic Forces and Nuclear Deterrence over the last 5 months.

#### CONVENTIONAL FORCES AND ALLIANCE DEFENSE

With the limited flexibility allowed by budgetary constraints, the committee tried to emphasize the modernization of our conventional forces. The committee increased the requested production rates for several major conventional weapon systems to more efficient levels, preserved funding for important munitions, and directed more money to essential modifications to Navy aircraft.

The committee recommended substantial increases in the requested production rates for the following weapon systems: AH-64 attack helicopters, 23 above the request of 67; UH-60 utility helicopters, 11 above the request of 61; M-1 tanks, 120 above the request of 600; multiple launch rocket systems, 20 launchers above the request of 24; EA-6B jammer aircraft, 6 above the request of 6; and AIM-7 air-to-air Navy missiles, 600 above the request of none. Combined with the committee's direction to the Defense Department that it program sufficient resources to attain specified goals by the end of the 5-year Defense plan, the increases to Army programs should reduce the gap between the termination of these existing programs and the fielding of followon systems.

Among other major procurement decisions, the committee discontinued the further development and procurement of the Navy's increasingly vulnerable A-6F medium attack bomber; instead, it directed the Navy to proceed immediately with development of its advanced tactical aircraft [ATA]. In addition, the committee added funds to install new wings on the E-2 radar plane, preserve the multiyear rewinging contract for the A-6 attack bomber, and accelerate replacement of the EA-3B signals intelligence aircraft.

The committee recommended important changes to two large research and development projects now underway in the Defense Department. First, it reduced the Army's LHX helicopter

program by \$97.2 million to reflect a more austere prototype approach. Second, the committee restored \$141 million to the NATO Cooperative Research and Development Program, for a total of \$200 million, in order to sustain the momentum of this promising initiative. The committee authorized all the funds requested for the development of the Air Force's advanced tactical fighter [ATF].

Senator LEVIN and Senator QUAYLE, the chairman and ranking member of the Subcommittee on Conventional Forces and Alliance Defense, deserve a great deal of credit for their hard work in this area.

#### PROJECTION FORCES AND REGIONAL DEFENSE

The committee recommended authorization of \$24.5 billion for projection forces and regional Defense Programs, a reduction of \$1.1 billion from the request. In formulating its recommendations, the committee emphasized programs that would correct deficiencies in three critical mission areas: Antisubmarine warfare [ASW], strategic mobility, and special operations.

For programs other than fleet ballistic missile submarines, the committee recommended \$8.8 billion in the Navy shipbuilding and conversion account for the construction of 12 ships, the conversion of 4 others, and long-lead funding for a nuclear-powered aircraft carrier. The committee also recommended long-lead funding for a second carrier in fiscal year 1989.

For strategic airlift, the committee recommended authorization of \$617.9 million for the procurement of the first two C-17 airlift aircraft and \$66.3 million in advance procurement for 4 C-17's in fiscal year 1989.

In the area of Special Operations Forces [SOF], the committee recommended authorization of \$980.7 million for the procurement and modification of SOF airlift. This represents an increase of \$171.2 million above the request. In addition, \$15.3 million would be available to the Commander in Chief of the U.S. Special Operations Command to begin procurement of state of the art secure communications for SOF units.

I want to commend Senator KENNEDY and Senator COHEN, the chairman and ranking member of the Projection Forces Subcommittee, for their leadership in this important area.

#### DEFENSE INDUSTRY AND TECHNOLOGY

The committee recognized a long-term decline in the funding share that the Defense Department has allocated to the science and technology base. In addition, the Department's efforts to modernize the defense industrial base have been inadequate. As a result, the committee believes that the United States has suffered a serious erosion in its ability to develop and produce high-quality, cost-efficient defense sys-



tems. For these reasons, the committee recommended three major initiatives that increased funding for technology programs by \$500 million.

Because the United States depends upon technologically superior systems to offset the numerical superiority of its adversaries, the committee recommended adding \$200 million to the President's request for technology base and industrial base programs. Of this \$200 million, \$150 million was authorized for a defense manufacturing initiative to improve manufacturing technologies in the industrial base and \$50 million was authorized for the university research initiative.

The defense manufacturing initiative provides \$50 million to the Defense Advanced Research Projects Agency [DARPA] for manufacturing technology research and \$50 million to a defensewide account to bolster the Department's manufacturing technology program. Because of the committee's concern about the loss of technological and manufacturing leadership by the U.S. semiconductor industry, the remaining \$50 million was added to the budget request for semiconductor manufacturing technology. This addition results in a total authorization of \$100 million for this critical area.

Finally, the committee continues to believe that the defense research effort is out of balance, with too much emphasis on the strategic defense initiative and too little on innovative "leap-frog" technologies that could dramatically improve our conventional capabilities. The committee noted again this year that the budget request for research and development on technology for conventional warfare continues to suffer. As a consequence, the committee recommended an authorization of \$300 million to continue programs, and activities initiated in fiscal year 1987 under the balanced technology initiative [BTI], and included a provision directing that \$200 million be obligated from other research and development accounts for other new and innovative R&D programs under the BTI.

In the acquisition policy area, the committee expressed serious concern that the Defense Department's intent to consolidate the responsibilities of the Director of Operational Test and Evaluation with those of the Director of Development Test and Evaluation could adversely affect the independence and effectiveness of operational testing. As a result, the committee included a provision in the bill that prohibits a consolidation of developmental and operational test functions within the Office of the Secretary of Defense.

I want to commend Senator BINGAMAN and Senator GRAMM for their leadership of our new Subcommittee on Defense Industry and Technology.

#### READINESS, SUSTAINABILITY AND SUPPORT

The area of readiness, sustainability and support within the defense budget includes the operation and maintenance accounts; spare parts and ammunition procurement; defense stock funds; and military construction and family housing. The budget request included a total of \$107.7 billion for these activities in fiscal year 1988.

The committee made a conscious effort to minimize the reductions to the budget request in this area. In approaching the task of identifying savings, the committee paid close attention to the priorities of the unified Commanders in Chief and tried to avoid reductions that would have an immediate impact on readiness and sustainability. The committee also made the reductions that were necessary as broad and generic as possible in order to give Defense Department managers the flexibility to implement them with the least harmful impact on military operations.

The committee recommended reductions in these accounts that totaled \$2.7 billion, of which \$1.7 billion was in the operation and maintenance accounts; \$100 million was in the defense stock funds; \$100 million was in the ammunition procurement accounts; and \$800 million was in the military construction accounts. The committee increased the requested amount for Army equipment maintenance by \$100 million because this critical readiness area was significantly underfunded in the budget request.

Frankly, there are some problems left in the area of readiness and sustainability that the committee wanted to address but couldn't. Funding for spare parts and munitions were cut back before the fiscal year 1988 budget came to Congress. The committee was not to alter the fact that real property and depot maintenance backlogs will increase in the military services in fiscal year 1988. We know where these problems are. We just didn't have enough money to address them and still meet our overall zero real growth budget target.

Although the committee was not able to increase the funding for some of the readiness and sustainability programs which we felt were underfunded, the committee bill does a good job of meeting our budget target without further cuts in important readiness and sustainability programs. Senator DIXON and Senator HUMPHREY, the chairman and ranking member of the Subcommittee on Readiness, Sustainability and Support, deserve a great deal of credit for this.

#### MANPOWER AND PERSONNEL

The committee's actions on manpower and personnel were guided by the general philosophy that it should sustain the very real gains that have been made in the manpower readiness of our active forces. In addition, the com-

mittee provided the necessary tools and guidance to the Department of Defense to begin correcting some serious manpower and training problems in the reserve forces.

In the area of manpower strength authorizations, the committee approved the active force end strength requests for fiscal years 1988 and 1989, a growth of 12,000 personnel over the 2-year period. For the Selected Reserve, the committee approved an increase of 22,800 personnel over the 2-year period, including 3,325 full-time support personnel. These Reserve increases are 40 and 35 percent of the levels requested, respectively. The committee believed that the Reserve Forces need to correct individual skill qualification problems, reported as the second most critical factor limiting readiness in the Reserve Forces, before adding much more to their manpower inventory.

In the pay and benefits area, the committee approved a pay raise of 4 percent on January 1, 1988 for all military personnel; approved enhancements to certain targeted entitlements to help the military services attract and retain needed personnel; and extended a number of expiring authorities to continue to provide assistance to manning the Reserve Forces and the nuclear officer community in the Navy.

In the area of military health care, the committee approved certain monetary incentives to recruit and retain critical medical specialties in the Reserve Forces; provided authority to assist the Department of Defense in its CHAMPUS reform initiative; and provided a catastrophic cap of \$1,000 per family under CHAMPUS for dependents of active duty members.

I want to congratulate Senator GLENN and Senator WILSON for their customary excellent work as chairman and ranking member of the Manpower and Personnel Subcommittee.

In closing, Mr. President, I want to thank the ranking member of the committee, Senator WARNER, for all of his assistance and cooperation this year. We have had our differences over this bill, but these differences have not affected the spirit of bipartisanship with which we approach our work. I pledge to my colleague that that will continue during the deliberations on this bill and in conference, as we bring the bill back. It has been a pleasure to serve with Senator WARNER on the Armed Services Committee. He is one of our most knowledgeable, dedicated, and energetic members and a man of tremendous integrity. I am delighted and proud that he is the ranking member, and I look forward to close cooperation with him on many issues we will face this session and during this debate.

I regret the situation in which he and I and others find ourselves which put us in a squeeze on the overall budget level. We are going to have a tough job in conference. There may be people on the floor who want to question or challenge the bill on the basis of it not meeting the budget targets. I want to make it clear to our colleagues that this bill does not meet the budget targets. The bill came out long before the budget targets were available. But I do say that we will have to meet those targets in conference. We will be meeting a House bill in conference that is much lower, and we will have to work hard to meet those targets and do so without minimizing the damage to our national security.

I thank my colleague from Virginia. I thank all the subcommittee chairmen and the ranking members. They have done superb jobs in working in their areas. I know that we will hear from them about the details of that work this afternoon.

Mr. President, S. 1174 represents the culmination of a great deal of hard work by the members and staff of our committee. It is a good bill which will strengthen the Nation's defense posture. I urge my colleagues to support this bill.

Mr. BYRD. Mr. President, I thank Mr. NUNN and I thank the ranking member, Mr. WARNER.

I indicated that I would be back in a half hour to ask unanimous consent to proceed to consideration of the Philippines resolution. A copy of that resolution has been provided to the Senator from Virginia, and I am now prepared to make the request. There are Senators who want to vote on that resolution, and they are here or they are around.

I understand that some work is being done on the resolution. I wonder if we could get consent to proceed within, say, 15 minutes. I do not want to keep the Senator from proceeding. Would the distinguished Senator from Virginia allow me to have the floor again within 15 minutes?

Mr. WARNER. Mr. President, we will certainly accede to the majority leader's request. I intend to make a very brief opening statement. I know there are others prepared to make opening statements.

That matter has a certain urgency, and I will agree to the majority leader's request.

Mr. BYRD. Mr. President, I will yield the floor with the understanding that if the distinguished Senator from Virginia concludes his speech and yields the floor, I be recognized to make my request; and that if he has not concluded his speech, if I could have an understanding with him that at the time I am ready to proceed with the unanimous-consent request, he will yield to me for that purpose, without his losing his right to the floor

once that matter has been disposed of. My request would be for an immediate vote, with no amendments to the resolution.

I understand that the matter is being worked on now and that Senator HELMS is going over it.

Could I have that understanding with the distinguished Senator?

Mr. WARNER. Mr. President, this Senator is willing to accede. I see the distinguished Republican leader on the floor. There is a pending unanimous-consent request, and perhaps the Republican leader wishes to speak to it.

The PRESIDING OFFICER. The Chair understands that the distinguished majority leader has not made a formal request for unanimous consent concerning his resolution.

Mr. BYRD. Mr. President, my request is that upon the Senator from Virginia's yielding the floor, I be recognized. That is a request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. The informal gentleman's understanding that I was seeking to reach with the distinguished Senator from Virginia was to the effect that, should I be ready, say in the next 5 minutes, to make the request to take up the resolution, the distinguished Senator would yield to me for that purpose. I am not asking this as a unanimous-consent request. I am just seeking an understanding with the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. WARNER. The Senator has the understanding from this Senator.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Without objection, that is the understanding.

Mr. BYRD. Mr. President, I thank the Chair, and I yield.

Mr. WARNER. Mr. President, it is my intention now to proceed with a brief opening statement.

I first wish to congratulate the distinguished chairman of the Armed Services Committee and express appreciation for his thoughtful remarks on my behalf.

Mr. President, also on the floor is the distinguished former chairman of the Armed Services Committee. It has been my privilege to either serve under or work with the distinguished Senator from Mississippi and his successors, Mr. Tower and Mr. Goldwater as well as Mr. NUNN.

I am privileged to say that I think the current chairman of the Senate Armed Services Committee, Mr. NUNN, of Georgia, carries on with the finest traditions that have been established through these many years by those

entrusted with the chair of this important Senate committee.

The Senator from Georgia proceeded in every respect in an open, fair, and equitable manner. He not only worked with me as the ranking minority member, but he worked with all the members of the committee on both sides of the aisle in putting together a bill in a form in which I think the Senate can take pride. It is one with which I am confident the Senate will work its will, but work its will in a manner reflecting the equitable distribution of the scarce funds so much needed by the armed services of our Nation.

Mr. President, I will not take time now, in view of the majority leader's request, to address the Nunn-Levin amendment. At an appropriate time, perhaps later today, but certainly during the course of this debate, I will have extensive remarks on that subject.

At this time I would just like to state that this bill strongly supports the ICBM modernization program, recognizing that the final outcome of not only the Nunn-Levin amendment but other issues in this bill bearing on strategic matters will eventually be decided with the House of Representatives. I am hopeful that Members of the Senate on both sides of the aisle will stand tall and strong as we try to resolve what appears at this time to be serious differences with the House.

This bill contains strong support for the continued development of the miniature homing vehicle ASAT program, recognizing the essential contribution of the ASAT program both to deter actions by the Soviets that might impede, damage or destroy our important space assets, and to deny Soviet space-based capabilities that could threaten our terrestrial forces in time of a conflict, one that we hope will never occur.

It also contains funding for the strategic defense initiative and permits the continuation of a robust program, a strong program, although at a funding level that will indeed significantly slow down certain major areas of research and development, areas that were planned to support a possible decision in the early 1990's to develop and deploy a strategic defense system.

It contains strong support for the continued modernization of our strategic forces and their command, control and communications, including the Trident submarine and Trident II missile, and the advanced technology bomber.

It contains strong support for our space launch recovery efforts, and for both chemical weapons defensive measures and the modernization of chemical offensive capabilities through safe, and I stress "safe," binary munitions.



Mr. President, this bill also includes an important initiative with respect to the Department of Energy's weapons program. The committee has recommended that the N-reactor at Richland, WA, be put in a standby status, and that the Department use some of the savings to initiate work on a new production reactor on a very urgent basis. The committee's action deals with a mounting budgetary crisis precipitated by the need to modernize the decades-old production complex and to take remedial actions with respect to environmental issues. More importantly, the committee's action addresses the national security imperative to assure a source of critical nuclear materials for the long term. The committee deliberated at length in arriving at this recommendation. We made it recognizing that shutting down the N-reactor increases the risks in the short term that we will be unable to meet the critical material needs of our weapon's stockpile. There are, however, no easy choices open to us if we are to deal decisively with preserving the infrastructure on which our deterrence strategy depends.

Mr. President, the distinguished chairman of the committee dealt at length with the modernization programs of the Army, Navy, Air Force, and the Marine Corps. I shall not elaborate except to say that key to the naval modernization program are the provisions in this bill which initiate an aircraft replacement, and I stress the word "replacement" construction program.

Two of our carriers are rapidly approaching the end of their usefulness to our national defense. They will be approximately 50 years old at the time new replacements enter service, if the Congress goes forward, as I predict it will, to fund the replacement program.

Mr. President, we have learned lessons in the Persian Gulf, tough lessons, that clearly indicate the aircraft carrier is the backbone of our forward deployed naval forces. Our units in the Persian Gulf today are operating under a measure of safety provided by the aircraft of a carrier stationed near that particular strategy point in the world, the Strait of Hormuz. I think it very unlikely that we would have taken the risk of having our naval units transit that strategic waterway had it not been for the presence of a carrier.

And we all recognize the stress put on the crew of a carrier during a long deployment. Moreover, it takes three carriers in the fleet for every one that is forward deployed—one on station, one in transit, and one at home for either upkeep or training. It is the carrier aircraft that provide a critical element of air defense necessary for safe operations on the surface of the oceans. We must provide timely and cost effective replacement carriers.

I hope and expect that the Senate will look favorably on the carrier replacement program and that the Congress will appropriate the necessary funds.

Mr. President, the time we agreed on at the majority leader's request has expired. I do not see the leadership present. Unless another Senator seeks recognition under the pending order, I would suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak on another matter for 5 minutes.

The PRESIDING OFFICER. Without objection.

Mr. WARNER. Mr. President, reserving the right to object, and I do not intend to object. I am sure the Senator recognizes that there is unanimous consent pending which would enable the majority leader to take the floor at the conclusion of my remarks. Therefore, would it be the understanding of the Senator that, as he proceeds, his request is subject to that unanimous-consent request by the leadership?

Mr. PRESSLER. I will yield the floor instantly to the minority leader or to anyone else who wishes to go back to this subject.

#### WORLD FAMINE

Mr. PRESSLER. Mr. President, for this period of time when the minority leader is coming to the floor, I would like to speak on a subject that is of great importance, and that is that several nations will face famines this winter. Indeed, the food shortage worldwide will be higher this winter than it has been in many years. To my surprise—and I learned this in a recent briefing from officials from food and agricultural organizations—there will be famines in at least five major countries this winter.

Once again this year, hundreds of millions of people will suffer from food shortages and starvation.

Several nations will experience food shortages arising from unwise economic policies, flooding, drought, bad management, and other factors. For example, a monsoon failure in Asia has resulted in drought conditions in much of India, Sri Lanka, and Thailand. India's production of wheat is predicted to be substantially reduced. India had become an exporter of wheat and has substantial grain reserves. Unfortunately, its grain reserves are not expected to be enough to meet the needs

of its 800 million people. Thailand and Sri Lanka are also expected to experience food shortages. It is unclear at this time how much food aid may be needed by those countries, but some assistance will be required to avoid widespread starvation.

Many areas of Africa continue to experience food shortages. Ethiopia is once again experiencing a crop failure and its food-aid needs are expected to exceed earlier estimates. Drought conditions in Africa are causing problems throughout the Sahel region.

Another area experiencing weather problems is Indonesia. Indonesia usually imports food for its people, but recent poor weather conditions will greatly increase import needs.

Crop failures throughout the world this year and every other year emphasize the need for more effective international food aid programs. Early this year, I introduced a resolution calling for the negotiation of an international agricultural agreement to take cropland out of production for a period of at least 10 years. The primary goal of this proposal is to bring global commodity supplies in line with demand, reduce the need for agricultural subsidy programs, and reduce soil erosion. Another part of my resolution which has not received enough attention is the proposal to establish an international food reserve which would be used to meet the needs of people who experience crop disasters. Perhaps each participating nation would agree to contribute an equal percentage of its production to an international food reserve. The food would then be distributed to needy people throughout the world by an international organization. This approach could eliminate some of the political problems of current food-aid programs.

History demonstrates that there always will be areas of the world that fail to produce enough food to sustain healthy human life. Establishing a permanent international agreement to provide assistance when these inevitable disasters strike could help to more effectively supply food to needy people. I urge our colleagues, the administration and other nations to give careful consideration to including a food-aid provision in any international agricultural treaty which may be negotiated in the years ahead.

In the immediate upcoming winter, we must legislate broadened Food-For-Peace legislation. This morning I discussed this with our distinguished minority leader, Senator DOLE. I shall work with the leadership on both sides of the aisle on specific legislation to improve food aid programs for the starving people of the world.

# **PURCHASE RATHER THAN RENT BUILDINGS ABROAD**

Mr. PRESSLER. Mr. President, my staff and I have undertaken a study of the costs of renting some of our buildings abroad as opposed to purchasing them. I have found that, under our current budgetary rules, it is easier to rent than to purchase some of these buildings, but the American taxpayer is getting a bad deal out of this arrangement.

We are, generally speaking, better off buying homes for our Ambassadors and Embassies in capital cities than renting them.

For example, the current cost of renting the home of the U.S. Ambassador to the Vatican is \$64,500 per annum. That home is under a 2-year lease arrangement and the lease renewal is coming up soon. The new annual lease cost may be \$70,000. This is a substantial expense, and every effort should be made to enter into a longer lease with an option to buy that property. Such an arrangement would save a great deal of money. I am pleased to note that the State Department has agreed with Ambassador Frank Shakespeare's recommendation on this point. If consummated, it would permit substantial savings to the American taxpayer.

I know that newspapers like to report that we have bought a large house in Rome or someplace in Africa or elsewhere for our Ambassador to live in. If we rent it, it does not make headlines. But it is costing us more in the long run and we are not getting the benefit of any appreciation in property value.

I am not saying that purchasing is preferable to leasing in every instance. But we should have the freedom to take advantage of purchasing opportunities whenever that is possible and it makes good economic sense to do so. Under current statutory provisions, the maximum capital expenditure the State Department may make on foreign buildings without line item approval by Congress is \$250,000. Yet, in some cases, the opportunity to purchase a building that costs far more than that limit may come once in a lifetime. I do not advocate pouring billions into a foreign buildings buying spree, but support giving our administrators the flexibility to make timely purchases of property when this would result in substantial long-term savings to the American people.

Mr. President, this is a widespread problem, and the result is that more tax dollars than necessary are being spent to house the offices and living quarters of the principal officers of our overseas missions. I have tried to examine this situation objectively, and my conclusion is that Congress is primarily to blame for the problem and should consider remedial action.

The State Department currently manages 2,322 U.S. Government-owned properties and 6,817 U.S. Government-leased properties throughout the world. These include everything from office buildings and residences to warehouses and vacant lots. The Department's analyses demonstrate that it is preferable to purchase residential property outright to protect against escalating rental fees. The purchase of such property also facilitates the installation of U.S.-approved security, health, and safety systems.

I shall speak to the leaders of the Budget Committee and the Appropriations Committee to determine whether we could have a different accounting method to allocate the cost of purchasing some of these buildings over a 10-year period. If we are better off buying some of these buildings, from the taxpayers' points of view, than renting them, then we should remove the statutory obstacles to purchasing them. Under our current budgetary system and the Gramm-Rudman-Hollings law, it may look cheaper for a specific budget year if we rent, even though in the long run it is not cheaper. I will be interested to see if we can craft an amendment that would overcome this problem and save taxpayer dollars.

Another aspect of this problem is the number of nations which prohibit the United States from buying property to house the principal officers of our overseas missions. Currently, out of the 256 U.S. diplomatic posts overseas, we are prohibited by foreign laws from buying such property in 68 of them. In several of these cases, the foreign government or property owner is charging us outrageously high rental fees. I am pleased to note that the Department of State is insisting on a policy of reciprocal treatment for countries that treat us in that way. If we are not permitted to buy property in those countries, they should not be permitted to buy property here.

## **ORDER OF PROCEDURE**

Mr. BYRD. Mr. President, I seek the floor again at this time. I am prepared to put a unanimous consent request on the Philippine resolution. I understand Senator HELMS is going over the resolution with staff people, including my own. The distinguished Senator from Indiana, I believe, wishes to proceed and I do not want to delay the Senator.

Would the Senator be willing to allow me to have the floor any time during his speech that I may be ready to present the request, with the understanding that he not lose his right to the floor after the disposition of the resolution? And I would include a request that the Senate proceed without amendment to the resolution and also that there be a very brief time limit of

from zero to 10 minutes, at most, so that Senators who are here could vote on this resolution at this reasonably early hour on Friday afternoon.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. BYRD. Yes.

Mr. QUAYLE. I intend to make about a 10- to 12-minute speech concerning the INF Treaty. Whenever the majority leader seeks recognition, I would be glad to yield. I might just say, if he does and I am within a couple of minutes, I wonder if he might indulge me a minute or two to finish up and conclude and therefore my speech would not be interrupted.

Mr. BYRD. Absolutely.

Mr. President, I ask unanimous consent that my rights be protected to the floor. I yield the floor for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, I would like to ask the Chair's indulgence and ask if he would notify the Senator from Indiana when I have approximately 2 minutes remaining of the 15 minutes that I have been allocated.

The PRESIDING OFFICER. The Chair would be pleased to do that.

Mr. QUAYLE. I thank the Chair.

(The remarks of Mr. QUAYLE are printed in today's RECORD under Resolutions Submitted.)

## **SENATE RESOLUTION (S. RES. 282)—TO EXPRESS SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES**

Mr. BYRD. Mr. President, I am informed that the distinguished Senator from North Carolina has suggested some modifications in the resolution and those are agreeable to me. I am prepared to ask unanimous consent—and I want the distinguished Republican leader to know—that the Senate go to this resolution, that no amendments be in order, that no motion to commit be in order, that there be either no time limit on it or a very short one, and that the Senate then proceed to vote.

Staff will alert the distinguished Republican leader that I am ready to make this request.

### **CHALLENGE IN THE PHILIPPINES**

Mr. President, I might say that this resolution is intended to renew our support of President Aquino. This administration has expressed its support. I think the Senate should go on record as supporting President Aquino of the Philippines in her efforts to pursue the development of democracy under the pressure of Communist rebels and political challenge.

It is not surprising that the course of Mrs. Aquino's governance has met



with bumps, some very severe, some setbacks, and disappointments. It is hardly surprising, given the background of many years of neglect and corruption, of wanton profligacy, and the erosion of the democratic traditions that have been a deep stream in Philippine history.

It is also not particularly surprising that Mrs. Aquino may not have governed in a completely perfect way, that she may be open to criticism in various areas. Nevertheless, I know of no politician or leader who is perfect and who does not make his or her share of mistakes. The important thing is that she has faithfully pursued the development of democratic institutions, reinstating parliamentary democracy in that nation, and continuing to attempt to end the Communist rebellion in that nation, either through diplomacy, force, or some combination thereof. In these quests, she has won the support of the Senate. We have heretofore indicated that. I hope that the Senate will renew that support today.

I would note, Mr. President, that it was just last year, through a timely resolution, Senate Resolution 345 on February 19, 1986, authored by the distinguished Senator from Massachusetts, Mr. KENNEDY, the Senate expressed its disappointment with the rigged elections of the Marcos government, and the Senate's belief that Mrs. Aquino had, indeed, legitimately won those elections. That resolution had an electrifying effect in the Philippines, and an impact in assisting Mrs. Aquino gain the rightful fruits of her victory. Now, when the going has gotten a little rough, and there may be some room for criticism, I think it is important to speak again, that we Senators speak with our votes and our voices for her steady efforts to bring about the continuation of democracy and to bring lasting stability to the Philippines.

Mr. President, I note the presence on the floor of Mr. HELMS. I wonder if he has anything he wishes to say at this moment. I thank him for his efforts to bring about the resolution of the language that gave him some problems. I want to express that appreciation publicly.

Mr. HELMS. Mr. President, I thank the distinguished majority leader.

A number of modifications have been included in the last of several drafts. I appreciate the cooperation of the staff and, certainly I appreciate the patience of the distinguished majority leader.

I had only one suggestion that was not agreed to. In the spirit of compromise in which this place operates, I agreed to eliminate one of the suggestions that I had made. That would be under paragraph 6, urging the Government to redouble its efforts to address the problem of corruption within

the Government, including the presence of Communists within the Government.

The language with respect to Communists was agreed to be stricken even though I was reluctant to do it because there is great concern in the Philippines and among Philippine citizens in the United States about those charges. In yesterday's Washington Post, a story began on the front page headed "Philippine Cabinet Offers to Resign." There are some significant paragraphs toward the end of the story reading:

Last week, Cardinal Jaime Sin, the powerful archbishop of Manila and an ally of Aquino, repeated his accusation that corruption in the government was still widespread under the Aquino administration.

I quickly add that the distinguished majority leader is exactly right. I have never known a political figure who was perfect, and I do not suggest that we should require that of Mrs. Aquino. The Washington Post story of yesterday continues:

One of the 28 Cabinet-level aides most likely to be replaced is Executive Secretary Joker Arroyo, whom many here have described as a political albatross for Aquino. The military views Arroyo as a communist sympathizer because of his past role in defending communists when he was a human rights lawyer. Business leaders and some of Arroyo's colleagues in the Cabinet have criticized him as a poor administrator.

Then there is one final paragraph.

Some officials have sharply criticized Salvador Laurel, who is vice president and foreign secretary, for fanning discontent in the military by taking a controversial survey of military camps. As part of his survey, Laurel asked soldiers: "Should the president remove the communists in government?" Laurel was out of town today but submitted his resignation as foreign secretary by telephone, officials said. He did not resign as vice president, which is an elective office.

I am pleased, Mr. President, that the resolution, as modified, at least urges Mrs. Aquino's government "to address the problems of corruption within the government." This is a legitimate concern that deserves greater attention.

But as modified, Mr. President, I say to my friend from West Virginia—and he is a very dear friend—that the resolution is satisfactory to me. I thank him for his patience with me and the modification thereof.

Mr. BYRD. Mr. President, I thank the Senator for his patience and for his efforts. I certainly subscribe to the idea that Communists within the Government of the Philippines if there are any, ought not be included. But it seems to me that a continued strong expression of support by the Senate for Mrs. Aquino and her efforts to bring stability to the Philippines will do probably more than anything else to eliminate that problem to which the distinguished Senator has alluded.

Finally, may I say as to the repeated accusations that corruption in the Government is still widespread under

the Aquino administration, I am afraid we all live in a glass house, and I am not sure that we are in any position to throw stones because every day we read in the newspapers about the accusations of corruption in the government of the District of Columbia. I thank the distinguished Senator.

I ask unanimous consent if the Senate will allow that the entire newspaper story to which the Senator has referred be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### PHILIPPINE CABINET OFFERS TO RESIGN

(By Keith B. Richburg)

MANILA, Sept. 9.—In the wake of an aborted coup that has underscored serious rifts in the government, President Corazon Aquino's entire Cabinet submitted resignations today to give Aquino "a free hand" to reshape her embattled administration, her spokesman said.

The government has become embroiled in an intense round of bickering and recrimination, and a high-level shake-up has appeared imminent since the Aug. 28 coup attempt.

Still, the mass resignation of the Cabinet caught many observers, and even some Cabinet members, by surprise.

"When I sat down, there was a blank piece of paper in front of me," said Defense Secretary Rafael Iloilo. "My neighbor [Finance Secretary Jaime Ongpin] told me we were going to tender our resignations," he said.

"It was sort of spontaneous combustion," said spokesman Teodoro Benigno, who also resigned. "Nobody motivated it, not a single group. Almost all of us thought of this idea almost at the same time."

Aquino has not officially accepted any of the resignations, although most analysts said at least some of her Cabinet aides were likely to go. Aquino has been known to delay decisions about firing her aides, many of whom are longtime family friends, even when they have developed relations for being incompetent or antagonistic toward key constituencies, such as the military.

Benigno said the president will make her decisions known soon.

If Aquino makes major changes, as expected, it will mark her third Cabinet reshuffle since coming to power in February 1986 and the second time she has had the changes forced upon her by a mass Cabinet resignation.

Following a coup attempt last November, Aquino fired then-defense minister Juan Ponce Enrile and accepted the resignations of three other ministers who had been criticized by military officials as being corrupt or too far to the political left. But Aquino kept the Cabinet largely intact, and one of the fired ministers, Aquilino Pimentel, who had been in charge of local government, was given a new job as a minister without portfolio.

Many Cabinet members resigned in the spring to run for seats in the new Congress. Aquino said at the time that she expected that change to be the last, since many of the longtime politicians were replaced by experienced technocrats and business leaders.

The perception spread in recent weeks, though, that the government lacked direction and spent most of its time lurching from crisis to crisis.

On Aug. 2, a powerful Cabinet member, Local Governments Secretary Jaime Ferrer, was assassinated. Less than three weeks later, leftist-inspired general strikes against higher fuel-oil prices crippled transportation and slowed factory output in Manila and several provinces. Then, 12 days ago, a clique of young reformist military officers launched a bloody coup attempt that claimed 53 lives and, according to analysts, came close to toppling the government.

Last week, Cardinal Jaime Sin, the powerful archbishop of Manila and an ally of Aquino, repeated his accusation that corruption in the government was still widespread under the Aquino administration.

One of the 28 Cabinet-level aides most likely to be replaced is Executive Secretary Joker Arroyo, whom many here have described as a political albatross for Aquino. The military views Arroyo as a communist sympathizer because of his past role in defending communists when he was a human rights lawyer. Business leaders and some of Arroyo's colleagues in the Cabinet have criticized him as a poor administrator.

Another candidate for replacement is special counsel Teodoro Locsin, the president's speech writer.

Locsin has been criticized for his conduct during the coup attempt, when he went to the military's temporary headquarters and appeared to be trying to direct operations to quash the coup. At one point, Locsin ordered the bombing of a rebel-held television station, but the order was never carried out.

Arroyo and Locsin appeared before Congress yesterday. Arroyo held the rostrum for more than four hours, lashing out at his critics.

Some officials have sharply criticized Salvador Laurel, who is vice president and foreign secretary, for fanning discontent in the military by taking a controversial survey of military camps. As part of his survey, Laurel asked soldiers: "Should the president remove the communists in government?" Laurel was out of town today but submitted his resignation as foreign secretary by telephone, officials said. He did not resign as vice president, which is an elective office.

Other aides of Aquino who have come under pressure in recent weeks are Finance Minister Ongpin and Central Bank governor Jose Fernandez Jr., who have been criticized by congressional leaders for signing a debt restructuring arrangement with the country's foreign creditors that many find onerous. Aquino, in her state-of-the-nation message in July criticized that restructuring package as not giving the Philippines repayment terms as favorable as those of Mexico and Argentina.

After every coup attempt, Aquino has come under pressure to replace the armed forces chief of staff, Gen. Fidel V. Ramos, who has become the target of criticism from some quarters in the military.

Ramos, who says he serves at the pleasure of the president, did not offer his resignation. Military analysts said Aquino was unlikely to replace him, because to do so now would appear to be heeding the rebel troops' demands. Ramos had demonstrated his loyalty to civilian rule by crushing at least five coup attempts and defusing several others. In addition, analysts said, there is no acknowledged front-runner who could replace Ramos and successfully balance the various factions within the military.

Mr. BYRD. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of this resolution and that

there be no amendment in order, no motion to commit be in order, and that time for debate be limited to 1 minute for Senator PELL—

Mr. HELMS. We will take 1 minute, but I probably will not use it.

Mr. BYRD. One minute under the control of Mr. HELMS, and that other Senators may submit their statements in the RECORD; that upon disposition of the resolution, the Senate return to the consideration of the now pending business, the Defense Department authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, it is a relatively early hour on Friday afternoon and there will be this rollcall vote if no more this afternoon. There may be others. Mr. President, I send the resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 282) to express support for President Aquino and the Government of the Philippines.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, it gives me great pleasure to join with the distinguished leadership in the sponsorship of this resolution. The Philippines have always had a special place in the hearts of the American people, and it is no less so today as the nation struggles to implement hard-won democratic reforms for the Filipino people.

We all are aware of the history of the lengthy struggle for democracy in the Philippines. After having fought side-by-side with American soldiers in World War II, the Filipino people attained independence in 1946. Their postwar leadership paid a great tribute to this Nation when they patterned much of their Government, including the Constitution, on that of the United States. In the intervening years the nation faced many challenges—the Communist-led Huk rebellion, the subservience of the democratic process under the Marcos regime, the associated resurgence of Marxist-led violence, and most recently, an unfortunate series of coup attempts against the democratically elected government of Corason Aquino.

The people of the Philippines have responded magnificently to this series of challenges to their democratic aspirations, and I am confident they will continue to do so in the months and years ahead. As in the past, however, the actions or lack thereof on the part

of the Government and people of the United States can and will make a tremendous difference in the fate of democracy on those islands. The resolution before us today is a reaffirmation of our commitment to the Filipino people, to the government of President Aquino, and to democracy in that part of the world. It is a signal that the United States stands ready, in the face of challenges from whatever source, to support the democratic institutions and processes now taking root across this Southeast Asian archipelago of 56 million people.

In supporting this resolution I declare my respect and admiration for the courage and fairness exhibited by Mrs. Aquino and the government in responding to this latest attempt to overthrow democracy in the Philippines. She has responded magnificently and I want the record to show that, in its hour of need, the legally-elected Government of the Philippines and the Filipino people can, as in the past, count on the support and assistance of the United States of America.

#### ORIGINAL COSPONSOR OF RESOLUTION

Mr. DOLE. Mr. President, I am pleased to join the distinguished majority leader and the other original cosponsors in introducing this resolution.

It represents a clear expression of bipartisan support for the Aquino government in the Philippines, at a critical time when it has just weathered the challenge of a bloody coup attempt. It is in our interest, as much as President Aquino's, that we express this support, clearly, and right now.

#### ISSUES TO BE ADDRESSED

The Aquino government is not a perfect government. And it hasn't done a perfect job, in my view, in addressing all of the enormous challenges the Philippines faces. But there are no perfect governments anywhere in the world.

And there are important issues in the Philippines, and between the United States and the Philippines, which I believe must be addressed more vigorously and effectively. I've talked about them before on the floor of the Senate: Doing a much better job in containing and eliminating the insurgency; avoiding positions which compromise vital American security interests, or raise questions about the future of the military bases which serve both countries' interests; getting a better handle on the economy; and some others.

I have a feeling that President Aquino, herself, would ascribe to this sentiment: that more needs to be done, and done better, on these matters.

#### AQUINO GOVERNMENT BEST HOPE

Nonetheless, the fact of the matter is, the Aquino government has been elected by the people of the Philippines in a fair election. Unquestion-



ably, the Aquino government represents the best chance for the continued consolidation of democracy in that country; the best chance for a stable and prosperous future for the people of the Philippines. And, from our own standpoint, it represents the best hope for preserving and advancing the security interests that our country shares with the Philippines.

The United States, and the U.S. Congress, have supported the Aquino administration from the beginning. It is important that—at this time, even more than before—that we make it clear we will continue to support that government. It is a message that President Aquino deserves to hear; the people of the Philippines need to hear; and the people of the region will welcome.

#### ENDORSE HELMS' CALL FOR HEARINGS

Let me today say one final word: I do think the idea of hearings on the Philippines—advanced by the distinguished Senator from North Carolina, the ranking member of the Foreign Relations Committee, Senator HELMS—I believe that is an excellent idea.

Stability and democracy in the Philippines, as I and many others have noted many times, is vital to American security interests. We have to pay careful attention to developments in the Philippines; and we have to make sure our policy is based on the best, most comprehensive and most current information.

So I hope the distinguished majority leader; the chairman of the committee, Senator PELL; and the other members of the committee will join Senator HELMS and me in endorsing this idea of hearings on the Philippines; and that such hearings can be scheduled very soon.

Mr. KENNEDY. Mr. President, I urge my colleagues to join with the Senate leadership to give quick and resounding approval to this resolution expressing our support for President Corazon Aquino of the Philippines. Today we must tell the people of the Philippines that the American people stand with them—for democracy and for the rule of law.

On August 28, mutinous troops from within the Philippine military attacked the presidential palace in an effort to kill Mrs. Aquino and her family and to overthrow the government. This was the fifth such effort to overthrow Mrs. Aquino's government since Mrs. Aquino was inaugurated in February 1987, but this attempt came close. For a moment, Philippine democracy was in peril. For a moment, it appeared as if the historic achievement of "Filipino people power" might—by violence and force of arms—be snuffed out by the lawless ambitions of a few disloyal officers.

But the overwhelming majority of the Filipino military rallied to the

cause of Philippine democracy and came to the defense of Mrs. Aquino's government.

The rebellion was finally crushed, but scores of citizens were killed and hundreds more were wounded. Philippine democracy survived yet another assault, and the rule of law still governs in the Philippines. But it is time for the American people to speak out again—with one voice and with one message: We are with you, President Aquino, in your struggle to keep your country free. We are with you as you work to build a strong democracy and a just society. We are with you in your effort to return the Philippines to civil peace and economic prosperity.

And with this resolution, let us also send a message to those few who, for whatever reason, seek to destroy the fragile flower of the new Philippine democracy: Do not betray your people, your nation or your history; do not defile the memory of thousands of your countrymen and women who so courageously gave their lives that the Philippine people might one day be free. Lay down your arms, examine your hearts, and join the struggle to build a strong and just and democratic Philippine nation.

Who among us will ever forget those special moments in Manila, moments that now live forever in Philippine history. After years of tyranny and torture, after years of incompetence and corruption, after the final insult of a rigged election and fraudulent vote count, the people of the Philippines finally rose up and—without violence and without bloodshed—demanded that the Philippine Government be returned to the Philippine people.

And who among us will ever forget that special moment last year at a joint session of the U.S. Congress when Mrs. Aquino came to us and—in her quiet strength and incomparable eloquence—told us of the final triumph of her people over injustice and oppression.

Now we are called again to tell Cory Aquino of our continuing commitment to her cause and to the cause of Philippine freedom.

We share too much history, too many common causes, too many aspirations for us to remain silent. Let us join together today with this resolution—and let us pledge ourselves to join again—tomorrow or the day after, or whenever the flame of Philippine liberty is dim or in danger—to make clear that the American people—with our voices and with our votes and with our material assistance—will be with the people of the Philippines in their long and noble struggle finally and for all time to be free.

Mr. MELCHER. Mr. President, there are areas of U.S. interest, both in trade and strategic national defense that need special attention from the

United States, and such an area is the Philippines.

Both in trade and strategic defense, the Philippines are very vital to the United States. We have had some renewed trade opportunities, as evidenced by a recent sale of 450,000 tons of U.S. wheat through the Export Enhancement Program. This wheat was sold to the Philippine Farm Millers Association. And that sale of wheat was needed, very much, by the United States. In another 4 months we need to sell a like amount: 450,000 tons of United States wheat to the Philippines.

But, to do that, to have that opportunity for sales of United States wheat 4 months from now, we have to have the Philippine Government in a stable condition.

Only a few days ago that government of President Aquino was threatened by a military coup. I believe that military coup was reflected both in the state of the economy in the Philippines and in the Communist insurgency out there.

Right now, the stability of the government of President Aquino in the Philippines is at stake. The United States can best assist and demonstrate our interest by coming to the aid of the Philippine economy right now. After all, President Aquino has been President of the Philippines for less than 2 years, and during that time there has been very slight economic growth in the Philippines.

There is the uncertainty of land reform. There is the uncertainty of the sugar production in the Philippines and what can be exported to the United States of that sugar production.

There has been uncertainty in the coconut industry in the Philippines, and what can be exported generally to the other countries and particularly to the United States.

There is uncertainty in the manufactured exports for the Philippines. Of course, there is uncertainty in the capital investment that can be attracted to the Philippines from outside their country.

But all this adds up to an economic uncertainty in the Philippines; and to further cloud that Philippine uncertainty is a very severe, aggravated Communist insurgency throughout the Philippines.

I believe it is the proper role of the United States at this time to come to the aid of the Aquino government and that we can and should bolster and help the Filipino economy by economic and military assistance now. But first of all, for the Filipino economic revival, I believe the United States should allow a bigger Filipino sugar quota. We have reserved a sugar quota. That sugar, that we import into the United States, we by and large re-

served that for developing countries. However, Australia and Canada still enjoy United States sugar quotas.

I believe some of the quotas for most of those countries should be awarded to the Philippines as a developing country, particularly at this particular time when they need economic help. It would help their economy, and it would permit a start in land reform, which is so vitally needed in the Philippines and which is a central piece of the Aquino government, to implement that, to bring that about for the Philippine people.

Likewise, I believe the United States can and should bolster the coconut imports from the Philippines for the very same reason, to help the Philippine economy and to help land reform there.

On economic assistance and military assistance, the United States need only look at the strategic advantage we have in the rental of Clark Air Force Base and the Subic Naval Base. The United States Armed Forces, our United States Joint Chiefs of Staff, have always declared that these bases are vital to United States interests in Southeast Asia, and, indeed, that if we needed any convincing of the vitalness of these bases in Southeast Asia, at Clark and Subic in the Philippines, we need only review the recent efforts, the recent activities, of the Russian navy as they steam through Southeast Asia.

Mr. President, in terms of the rentals paid by the United States for these two Philippine bases, I believe we ought to put our money where our mouth is. They are of strategic importance to the United States. They are of greatest importance to us in Southeast Asia. They are our only two bases in Southeast Asia of great significance.

In other countries, such as Spain, Greece, or Turkey, the cash rentals that are paid per year for bases in those countries are much larger than in the Philippines. We have been on the cheap side with the Philippines in paying cash rentals for bases we have there, yet they are our most important bases overseas.

Some Philippines, reflecting their attitude of sovereignty, say, "Get rid of these U.S. bases. Get them out of the Philippines."

But that is a minority view among the Filipino people. The majority view there among the people is reflected in the attitude of General Ramos, the chief of the military in the Philippines, a graduate of West Point, long acquainted with our people, our military people, here in the United States. The attitude is that those bases are mutually good for both the Philippines and the United States.

Mr. President, we have no reason not to help the Philippines in this very urgent time for them. I suggest that we follow both the economic side of

this and the military side of this, which will dictate to us that we do indeed put our money where our mouth is and be of greater and better assistance to the Philippines.

Mr. President, I yield the floor.

Mr. ADAMS. Mr. President, I strongly support this resolution and I commend Senator BYRD, Senator DOLE, and Senator HELMS for developing this language.

When "people power" brought Mrs. Aquino to power last year, the response in this country was one of pride and relief. We saw her triumph as a victory for democracy. But we forgot a lesson we all have learned over the years—there are no final victories in the struggle to achieve or maintain a democratic state. And it is indeed a struggle: A struggle for the United States which finds itself, from time to time, facing threats to our constitutional system; and certainly a struggle for a nation like the Philippines which is emerging from decades of autocratic rule.

The situation in the Philippines is complex. There is a Communist revolutionary force threatening the government on the left; there is a reactionary insurrection among some elements of the military; and there is the specter of the past lurking out of power but not of sight. Added to these direct and physical threats is the economic crisis facing the Philippines. Their unemployment rate is staggering, their opportunities for building an industrial base are limited.

In light of the recent coup attempt, there will no doubt be those who urge that we focus on the immediate military threat facing the government. And certainly that is a matter of concern, and some additional assistance in that area is needed. But the most realistic response to the threat to the government involves a resolution of the economic problems facing the Philippines. And our actions should place special emphasis on that issue. The plain truth, Mr. President, is that there is not enough aid in the pipeline now—and there doesn't appear to be much of a pipeline for the years to come.

I support this resolution as a statement of our desire and determination to support the Aquino government. But I also am ready to support more concrete and specific forms of support in the areas I have described.

Mr. HELMS. Mr. President, to the delight of other Senators, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. ADAMS], the Senator from Delaware [Mr. BIDEN], the Senator from New

Mexico [Mr. BINGAMAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Arizona [Mr. DECONCINI], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KERRY], the Senator from North Carolina [Mr. SANFORD] and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. ADAMS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Massachusetts [Mr. KERRY] would each vote "yea".

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], the Senator from California [Mr. WILSON], and the Senator from Utah [Mr. HATCH], are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Carolina [Mr. THURMOND], and the Senator from Utah [Mr. HATCH], would each vote "yea".

The PRESIDING OFFICER (Mr. DODD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 0, as follows:

[Rollcall Vote No. 241 Leg.]

#### YEAS—73

Baucus	Harkin	Pell
Bentsen	Hecht	Pressler
Boren	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Humphrey	Reid
Byrd	Inouye	Riegle
Chafee	Karnes	Rockefeller
Chiles	Kassebaum	Roth
Cohen	Kasten	Rudman
Conrad	Kennedy	Sarbanes
Cranston	Lautenberg	Sasser
D'Amato	Leahy	Shelby
Danforth	Levin	Simpson
Daschle	Lugar	Specter
Dixon	Matsunaga	Stafford
Dodd	McConnell	Stennis
Dole	Melcher	Stevens
Evans	Metzenbaum	Symms
Fowler	Mikulski	Trible
Garn	Mitchell	Warner
Glenn	Moynihan	Welcker
Graham	Nickles	Wirth
Gramm	Nunn	
Grassley	Packwood	



NAYS—0  
NOTVOTING—27

Adams	Domenici	Kerry
Armstrong	Durenberger	McCain
Biden	Exon	McClure
Bingaman	Ford	Murkowski
Bond	Gore	Sanford
Boschwitz	Hatch	Simon
Breaux	Hatfield	Thurmond
Cochran	Hollings	Wallop
DeConcini	Johnston	Wilson

So the resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 282), with its preamble, is as follows:

S. Res. 282

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections, and undertaken an effort to revive the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino currently enjoys the allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing Communist insurgency threatening political, economic, and social freedoms and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corason Aquino to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist insurgency by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery based on free enterprise principles is crucial

to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibrant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of fiscal year 1987 military or other assistance if a duly elected Head of Government is deposed by military coup or decree;

(6) urges the government to redouble its efforts to address the problems of corruption within the government; and

(7) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. The Senate will resume the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I shall not detain this body for more than just a very few minutes. I am not going to let this occasion of bringing up this bill pass without a word of comment thereon. I think we agree that this is one of the most important pieces of legislation that we have year after year after year.

I have been here, Mr. President, when there was no requirement for authorization of any kind with reference to military weaponry and other items within our military program. Now, though, if we go back to the practice of not having a careful, complete analysis, and recommendations by competent people, some Members of this body and some staff members, if we go back and abandon the safeguards that we have here in the authorization requirement, we are deliberately and willfully leading ourselves into trouble of the very gravest kind, in my humble opinion, which we cannot possibly tolerate. I mean by that that there must be a real analysis of the needs, the uses of the weaponry, the manpower, and all of those things that go to make up the tremendous, around the world military program that we have.

It is just idle talk to talk about balancing the budget and so forth unless we are going to put forward these precautions and double cautions and intelligent consideration of these matters that we are called on to pass on. It is very difficult work at best.

I commend very highly the chairman, Senator NUNN, and the ranking minority member of the committee, and all committee members, including the assistance that comes from the committee staff work.

Mr. KENNEDY. Mr. President, I rise in support of S. 1174, the Defense authorization bill for fiscal year 1988 and 1989. As chairman of the Projection Forces and Regional Defense Subcommittee, I shall take a few moments to describe the scope of my subcommittee's concerns, some of the issues we engaged, and why I believe this bill deserves the support of my colleagues.

The Subcommittee on Projection Forces and Regional Defense is responsible for oversight of the military missions of defense of southwest Asia and defense of other regions where the United States does not have substantial forces deployed in peacetime, primarily Latin America and Africa. The subcommittee also reviews policies and programs for the missions of sea control and maritime force projection in all world regions, areas including NATO and East Asia.

The subcommittee is responsible for those budget elements of research and development and procurement related to these missions, including shipbuilding and conversion (excluding strategic forces), naval aviation (excluding carrier-based aircraft), Marine Corps (excluding the tactical aviation), airlift and sealift, and Special Operations Forces. Its oversight jurisdiction includes about 8.7 percent of the Defense budget or about \$25.7 billion of which \$20.2 billion is procurement authority and \$5.3 billion is research and development. Navy programs represent more than 83 percent of the subcommittee's accounts, with the single largest account being shipbuilding and conversions which is 38 percent of the total.

With respect to biennial budgeting, the committee sought to identify only stable, noncontroversial programs for authorization in fiscal year 1989. We avoided programs with major acquisition milestones; avoided new starts; included multiyear procurement programs to the maximum extent; and ensured consistency with our recommendations for fiscal year 1988. The total authorization recommended for fiscal year 1989 was about \$5 billion or 17 percent of the request. I had hoped that a larger percentage of fiscal year 1989 programs would be recommended for authorization. Unfortunately, a majority of the committee felt that the uncertainty about future levels of

defense spending required preservation of considerable flexibility next year, especially in the Navy's shipbuilding and conversion account.

The subcommittee determined from hearings that it should give highest priority to correcting deficiencies in three mission areas: Antisubmarine warfare, strategic mobility, and special operations. Recent improvements in Soviet capabilities have diminished the margin of United States antisubmarine warfare superiority. By selective investment of funds available from prior year savings and funds not able to be committed as originally planned, I am pleased to report the committee has been able to give special emphasis to a range of programs to help preserve superior U.S. Navy capabilities for antisubmarine warfare.

Near-term antisubmarine capabilities have been enhanced by nearly doubling the funds requested for procurement of sonobuoys. Inventory levels of sonobuoys have been declining, yet, strangely, the administration's request for these critical items has also declined—by over 40 percent from the fiscal year 1987 request. The committee also sought near-term improvements by recommending the authorization of a 35-percent increase in funds for procurement of Update 111 modification kits for P-3 aircraft, which is consistent with past committee practice. Additionally, the committee recommends increased procurement of SQQ-89 antisubmarine warfare combat systems by 50 percent.

To improve antisubmarine warfare capabilities in the midterm the committee recommends authorization of the procurement of two SWATH T-AGOS ocean surveillance ships. In the fiscal year 1987 budget submission, the Navy characterized these ships as "crucial" and showed a procurement profile which included three ships in fiscal year 1988. With the fiscal year 1988 budget submission, the 1988 ships were deleted to allow a 1-year gap between lead ship production and follow-on ships. We determined from the Navy that by managing the start of the contract, the 1-year gap policy could be preserved, and the Navy could take advantage of favorably priced options. In short, contracts for ships authorized for fiscal year 1988 could be executed without any violation of policy or practice. Accordingly, we have recommended that two ships be restored to a program which is, indeed, absolutely crucial to our antisubmarine ocean surveillance capability.

Also, addressing mid-term ASW capability enhancement, the committee recommended a 50-percent increase in the procurement authorization for SH-60B Seahawk Lamps MK 111 helicopters.

Looking to the far term antisubmarine warfare enhancements, the com-

mittee recommended authorization of the requested funds for development of the SSN-21 submarine and its various systems. Responding positively to a very promising initiative on the part of the Navy, the committee strongly recommended that funds be authorized to develop a new maritime patrol aircraft from commercially derived candidates in competition with one another. A major increase in capability and cost effectiveness is believed to be possible through this strategy in the mid to far timeframe.

Underlying all future improvements in antisubmarine warfare is our fundamental understanding of the oceans and near-ocean atmosphere. Accordingly, sustained funding of ocean measurements and modeling capabilities is essential. The committee recommended authorization of funds to support certain oceanographic work which will be of direct benefit in improving future antisubmarine warfare capabilities.

Elsewhere in its area of concern the committee recommended a 23-percent increase in procurement of standard [SM-2] surface to air missiles which raises the production rate and achieves a more economical buy. In mine warfare, an often neglected area, but one which the committee recognizes as a critical warfighting, if not war-controlling capability, increases were recommended to examine warhead improvement for the Captor mine, examination of an advanced deep water mine and development of the minehunting sonar to be installed in both classes of our new mine countermeasures ships.

The Navy shipbuilding program was modified due to the inability to execute the requested MCM ships and the LSD-41 (Cargo variant). Five CG-47 class AEGIS cruisers were recommended for authorization vice the requested three to take advantage of very favorable pricing of a larger buy. This completes the CG-47 program. The new DDG-51 AEGIS destroyer program provided offsets for the additional CG-47 cruisers. It is believed an additional year to resolve design problems in the lead DDG-51 authorized in fiscal year 1985 can be useful to the overall success of the program.

Inadequate strategic mobility is a major deficiency in carrying out U.S. military strategy. At present, the United States has substantially more combat capability than it can deploy in a timely manner during periods of crisis or war. The committee continues to believe that the C-17 airlift aircraft is critical to offsetting airlift shortfalls and recommends the authorization of funds to further that end. Although substantial progress has been made in recent years in improving sealift capabilities, the committee is concerned about limited fast sealift and recommends a fast sealift initiative be au-

thorized to assist in resolving that problem, as well as funds to continue the procurement of sealift support equipment.

The committee is giving increased emphasis to Special Operations Forces [SOF]. Progress on improving special operations capabilities has been mixed. The committee found the program to increase SOF airlift to be sound and fully justified. Despite this positive note, bureaucratic resistance to the congressionally mandated reorganization of SOF forces remains a serious concern. In particular, the committee views the failure to nominate in a timely manner the Commander in Chief of the U.S. Special Operations Command and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict as a major shortcoming in DOD's performance. Last, the committee believes that the decision to locate the headquarters of the U.S. Special Operations Command at MacDill Air Force Base, FL requires further study.

A key programmatic issue in the Defense authorization request for fiscal years 1988 and 1989 was the proposal for early replacement of two aging, increasingly ineffective aircraft carriers. The committee, by a vote of 11 to 9, authorized \$644 million for the funding of long lead items for the first of two Nimitz-class, nuclear-powered aircraft carriers in fiscal year 1988 and \$797 million for advance procurement for both replacement carriers in fiscal year 1989. The narrow vote on this issue reveals the continuing concerns of many Members regarding the procurement plan within the overall context of the affordability of the Navy's shipbuilding plan and the Navy aircraft procurement plan. If the affordability issue is not resolved in both of these accounts, we will not have modern airplanes for the carriers we are building, and we will experience a severe surface combatant shortfall. Both of these issues will be examined in detail over the next year.

The carrier replacement proposal was devised by the administration at the last moment and without the benefit of the rigorous review procedures within the Department of Defense.

The Navy proposed to fund two new carriers, one each in 1990 and 1993 with long lead procurement starting in fiscal year 1988. Previously, the Navy had planned to buy new carriers in 1994 and 1996 with long lead procurement beginning in 1992.

This "midnight" change to the Defense budget request meant that the \$7-billion funding bubble needed to pay for the carriers had to be moved 4 years forward in the program. Since the Navy budget for these years has not been increased, \$7 billion in spending for other programs has been postponed to the mid and late 1990's.



In other words, the Navy has robbed Peter to pay Paul. Two AEGIS destroyers were deferred to pay for the carriers; \$600 million was shaved from the refit program for older carriers; readiness and sustainability lost \$2.4 billion to the carriers. The aircraft that fly off the carriers lost \$450 million.

These last minute rearrangements troubled Admiral Crowe, the Chairman of the Joint Chiefs of Staff. Although he now supports the President's budget, he expressed his concerns about the carriers in a memorandum to Deputy Secretary of Defense William Taft in which he stated:

The simple fact is that in a fiscal year climate more austere than currently planned the carrier priority may not be as high as it is today. For example, when painful choices have to be made, I would give first priority to sustainability, modern munitions, ASW, and the SSN program.

I agree with Admiral Crowe's priorities. By what rationale, did Secretary Weinberger overrule his principal military adviser? The answer we are given is that there was a compelling business opportunity—an opportunity so great as to justify completely a wholesale rearrangement of priorities. We were told that by procuring these carriers hard on the heels of those currently under construction—not allowing a gap to occur—we could save \$3 billion—practically the total cost of one carrier. If it were true that one could get modern Nimitz-class nuclear-powered aircraft carriers at bargain basement 2 for 1 sale prices, all of us would seize the opportunity.

But, when we pressed for details on the \$3-billion savings, it was quickly deflated to \$700 million.

So where are we left? The need to remove aging, costly, and ineffective carriers from service is real, but it was just as real under the previous strategy which proposed funding replacements in 1994 and 1996. The claimed savings of \$3 billion are a gross exaggeration and do not justify the proposal.

We ought to be paying more attention to our higher priorities of anti-submarine warfare, strategic mobility, and special operations. With the exception of the carrier program, the Subcommittee on Projection Forces and Regional Defense presents a balanced program which enhances our national defense. With this exception I urge my colleagues to support this program.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BYRD. Will the Senator yield?

Mr. MELCHER. Yes.

Mr. BYRD. Mr. President, I am told by the distinguished chairman of the committee, Mr. NUNN, that Mr. GLENN is going to call up an amendment shortly, that there is some controversy

concerning the amendment, and that we are not likely to have a vote on the amendment today. I wanted to announce to Senators that fact, based on the advice by the distinguished chairman. I am constrained to say therefore, as far as I know, there will be no more rollcall votes this afternoon unless some Senator who is on the floor knows differently.

Mr. WARNER. Mr. President, I know of no Senator who knows differently on this side.

Mr. QUAYLE addressed the Chair.

Mr. WARNER. I see the distinguished Republican leader on the floor and maybe he can respond in connection with there being any more votes this afternoon.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BYRD. Will the Senator yield?

Mr. MELCHER. I am delighted to yield.

Mr. QUAYLE. Will the distinguished majority leader inform us as to what is the nature of the Glenn amendment that is going to be brought up?

Mr. BYRD. Senator GLENN would have to respond to that.

Mr. GLENN. It is the SDI amendment. It is the one we had last year. It has been modified some this year and I think it is more acceptable now. It passed last year by 64 to 31, I believe, and it is the same amendment. I presume there would be a requirement for a rollcall from the other side on that.

Mr. QUAYLE. Unfortunately, I am aware of that. Thank you very much.

Mr. GLENN. We will lay it down, and I presume it would be the pending business on Tuesday.

Mr. BYRD. Mr. President, I thank all Senators. Does the distinguished Republican leader have any other matter in mind that he wishes to take up today? I was just saying that as far as I am concerned, I know of no other rollcall votes. I am constrained to say there will be no other rollcall votes today. In view of the fact Mr. GLENN is going to call up an amendment that has some controversy on it, I told Mr. NUNN—and there will be a rollcall vote on it at some point, but Senator GLENN is not ready to have that vote today so I am saying there will not be any more rollcall votes unless another Senator wishes to correct me.

Mr. NUNN. Will the majority leader yield? Will the Senator—

Mr. MELCHER. I will be glad to yield.

Mr. NUNN. Briefly, may I inquire of the majority leader as to the schedule for Tuesday next? Will we be on this bill in the morning or will it be after lunch?

Mr. BYRD. Mr. President, first, let me thank all Senators for their indulgence, patience, and cooperation today. We have had a good day.

Mr. President, on next Tuesday the Senate will come in at 10 o'clock. There will be a vote on cloture, on the motion to invoke cloture on the campaign financing reform bill. It will be the seventh cloture vote. I could be surprised, but I doubt that it will succeed. We had 55 votes, however, for cloture, and I would hope that over the weekend we could pick up an additional five votes. I have seen such things occur.

In the event cloture should be invoked, then S. 2 would be before the Senate to the exclusion of all other business until disposed of, at which time the Senate would then go back to the DOD authorization bill.

In the event that the cloture motion does not prevail, then the Senate will immediately resume consideration of the then unfinished business, which will be the Department of Defense authorization bill.

I am going to ask the distinguished Republican leader to start our conferences—he is here—if we can begin our conferences, from now on, at 12:30 on Tuesday rather than 12. Senators do not get there anyhow. They are busy in committees and so on. We can continue business on the floor until 12:30 and then recess until 2 o'clock.

This would mean we would have some time that morning to continue debate on the Senator's amendment, if he lays it down now, or on other amendments to the bill.

Mr. NUNN. In light of that, if the majority leader will yield further and the Senator from Montana will yield further, can we get the Glenn amendment or begin debate this afternoon and then right after the cloture vote return to this bill and have a debate on the Glenn amendment? I do not know how long that debate will take but perhaps we could vote on it shortly after lunch or maybe before then on Tuesday and that would get us started. I will certainly tell other Senators that we would like to have amendments on Tuesday afternoon, and it would be my hope, every one in advance. As the floor manager in concert with my colleague from Virginia, we have discussed this. If we are on this bill, say Wednesday, Thursday, and Friday of next week we could begin early in the morning and begin voting before noon and get controversial and important amendments out early in the morning so we can have good, full, and productive days. We may have to have some evening sessions but if we have them I hope it is not because we do not get started until 2 and 3 o'clock in the afternoon in voting. So I would ask all our colleagues and staff people who are in communication with their Senators that may have left town this afternoon if they could determine getting started early for instance on Wednes-

day morning next, Thursday morning next, and let us have a full day and get as many things done as we possibly can. I would like to do that, otherwise we will be in on this bill late at night over and over and over again. That does not make it very pleasant.

The question is whether the Senate itself wants to go ahead and begin early in the morning. The Glenn amendment will get us started Tuesday.

Mr. BYRD. Mr. President, if the distinguished Senator will allow me—

Mr. MELCHER. Certainly.

Mr. BYRD. So that Senators may adjust their schedules accordingly, I shall ask unanimous consent that the Senate stand in recess on Tuesday between the hour of 1 p.m. and 2 p.m. That gives a full hour for conference. If Senators want to get there a little early, they can come 10 or 15 minutes before that. The meal will be there. But I think we are taking too much time, the Senate is taking 2 hours as we get down to the last few weeks of the session.

#### TUESDAY RECESS FOR 1 HOUR

Mr. BYRD. I ask unanimous consent that the Senate stand in recess on Tuesday, to accommodate both party conferences, between the hours of 1 p.m. and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This will allow us more time for work in the morning.

#### HOOR OF CONVENING WEDNESDAY, THURSDAY, AND FRIDAY

Mr. BYRD. I ask unanimous consent that when the Senate convenes next week on Wednesday morning, Thursday morning, and Friday morning, it convene at the hour, daily, of 8:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

#### AMENDMENT NO. 678

(Purpose: To prohibit the awarding of contracts for research and development in connection with the Strategic Defense Initiative program to foreign countries and foreign firms)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, and Mr. MITCHELL, proposes an amendment numbered 678.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. . PROHIBITION AGAINST CERTAIN CONTRACTS

(a) IN GENERAL.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

Mr. GLENN. Mr. President, before we discuss the details of my particular amendment, I would like to give just a little bit of background as to why I feel strongly about this amendment.

I would challenge the people within the hearing of my voice to state what two things led the United States of America into being the kind of a Nation it is today in comparison with other nations around this world. I do not know what your answer might be, but I know what my answer would be. I would say that it is not just our natural resources. Many places around the world have had resources but they do not develop them as the United States did. But what we had, I think, were two things in this Nation—No. 1 was education. Education came to be not just for the rich kids or the advantaged young people in the country. But education came to be for every person in the United States of America, and out of that came an educated citizenry beyond anything known in the history of the world.

Second, we plowed more of our gross national product back into basic, fundamental research than any nation in the history of this world. We learned

the new things first. That was the hallmark of our American existence: education and basic, fundamental research. We learned those new things first and with that educated citizenry we put it to work. We created new jobs and businesses and industries. We made those breakthroughs before anyone else, and the rest of the world followed in our wake. They bought their research from us, by and large.

That trend continues pretty much to this day, except that we see a disturbing factor now: We see other nations that have observed the United States of America and they have seen what happened to this goose that laid the golden egg. They have seen what caused our prosperity and they have seen that it was education. They have seen that research played a major role as well. They are emphasizing education and basic research, and beginning for the first time, in some selected fields, to outcompete the United States in research.

What has our response been? Well, in the first year of this administration, an attempt was made to cut out about 29 percent of our basic research. A lot of us were very concerned here in the Congress and as a result, a smaller percentage, perhaps 16 to 18 percent, was actually cut.

I think that was a mistake, but at least we were able to avert making the massive cuts in basic research that were planned.

That brings us to what this amendment is all about. In 1983, President Reagan proposed star wars, the strategic defense initiative, one of the greatest research programs in the history of man. I think it dwarfs the Manhattan Project of World War II.

I agree with the research aspects of SDI, but I have serious misgivings with the deployment of SDI. But I do favor basic research—in power transmission, the use of lasers, the use of tremendous energy sources, and computer technology beyond anything we have right now.

All of these important areas of research, Mr. President, have civilian uses of one kind or another. We cannot even envision yet what many of these things may be. But we know they are tremendous, particularly in those areas that are the major focus of research in SDI: laser-powered transmission, neutron particle beams and power transmission, and computer technology. Those are only three areas in which we require major breakthroughs if we are to have a viable SDI program.

The President proposed the SDI program in 1983. As for our allies' support, what response did we get? Well, we got for the most part a "Thanks, but no thanks. We do not want to participate. We want no part of this."



That is the way things went for the first couple of years of the program.

Eventually, the President came up with a new approach. Here we have the greatest research effort ever put forward by mankind and the President said, "If you will support us, if you will support our position on 501, we will let you have some of the research money."

Well, now, that was an offer that some countries could not refuse. It was a little difficult for them to say, "We oppose SDI but we want the research money." So they said, "OK, we support it, rather reluctantly, and only if we get some of the research money."

We have governments in West Germany, for instance, that said, "OK, we are now going to support SDI on the basis that it is going to help build up our laboratories and our infrastructure, and there will undoubtedly be large commercial benefits to us if we do this because there will be a lot of spinoffs from this very basic research."

Now, the German people bought this and Helmut Kohl was able to sell it on that basis, and to show exactly what they thought of this project and where it belonged they put it under the jurisdiction of their economics ministry. It is not even administered in the defense ministry. They see it as building their economic infrastructure. And so they support star wars on the basis of getting research money to help them build up their scientific community, and to make them more capable of outcompeting the United States of America over the long term. And we have the SDI research program being supported around the world on that basis—it is going to benefit their economies, and so they are willing to get in on the act.

Now, this is taking place at a time when we are beginning to be outcompeted in selected fields.

Mr. President, that is what this amendment is all about. This amendment says that there will be restrictions on the award of SDI-related research contracts overseas. It says in effect that for the long term, we will not give them the trade rope to hang the United States in some ways.

We are concerned with trade legislation now. We are putting up trade restrictions, because we are so concerned with what is happening in world trade, and yet here we are in effect giving them the advantage of U.S.-paid-for state-of-the-art research which will have spinoffs and enable their scientific communities to outcompete the United States.

These are countries that are not putting any significant amount of their own money into SDI research. We have no other nation that has volunteered to step forward and put basic money into SDI and support what this country is doing. That, to me, is gross-

ly unfair at a time when we see the United States of America begin to be outcompeted in research.

So that is what this amendment is all about. It deals with the restriction of awards of SDI-related research contracts overseas, but I think does it in a very fair way.

This legislation requires that funds appropriated for research in the strategic defense initiative program during any fiscal year be in the United States unless the Secretary of Defense certifies to the Congress in writing at any time during such fiscal year that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm."

Now, there are several things that this amendment does not do. It does not affect contracts awarded before enactment. It would not undo, in other words, anything already done and contracted for. Nor does it affect those contracts to be performed within the United States. This has been done to allay the fears of foreign-owned firms located in the United States that employ American citizens. That is a valid concern and we address that.

Furthermore, the amendment does not affect contracts awarded exclusively for research, development, testing, or evaluation in connection with the ATBM, antitactical ballistic missile program. That was a program of special concern to our allies and to a number of Senators on the floor last year. We addressed that concern as well.

This amendment is similar to legislation I introduced last year on the floor of the Senate during consideration of the fiscal year 1987 DOD authorization bill. The motion to table my amendment last year was defeated overwhelmingly by a vote of 64 to 33. In other words, by a 2-to-1 margin, the Senate approved my amendment last year, and I think the amendment this year with the changes we have made in it should be even more acceptable. The House, I would add, has already passed this amendment, exactly the way I submitted it here.

Mr. President, as I have said, I very firmly believe two things—research and education—have served to make America what it is today. I still believe that American workers, scientists, and engineers can still outinvent, outproduce, outwork, and outcompete any nation on the face of this Earth, given a fair chance.

Research has played a crucial role in building up America's economic and security infrastructure that has made us preeminent in the world. The enormous SDI research program currently plays a significant role in our national research efforts.

As the SDI program has accelerated, I have become concerned that the administration has sought to purchase support for SDI from our allies by offering them research contracts funded by the American taxpayer.

If any of these nations wished to step forward and say they would assume a percentage of the total cost of SDI, then it would be legitimate to say, "Do the research in those nations; they are supporting this program; they should have a research role in this basic breakthrough-type research."

But they are not willing to do that. They say, "We will accept your research dollars because it builds up our economy and our ability to outcompete you in the future, but we are not going to put any money directly into it. We just want to benefit from the research and all of the civilian spinoffs that will come from that kind of research."

So I firmly believe the administration's obvious but unstated policy of buying support for SDI from our reluctant allies does not supersede our need to keep defense dollars for SDI research in the United States whenever possible and to support our own undernourished research base.

Mr. President, I very fully understand the importance of cooperation with our allies. The distinguished floor manager of this defense authorization bill, Senator NUNN, has been the leader in supporting our sharing of these burdens with our allies. I have supported all of those efforts, and will continue to do so. We helped to establish the defense MOU's to achieve standardization and interoperability of weapons systems in our alliance.

However, I believe that SDI represents a special case. The Reagan administration has declared SDI to be its top national security priority. The SDI program involves revolutionary, state-of-the-art technology which is sure to have significant spinoffs both for conventional military applications and for civilian uses. We should use SDI research for building up our own infrastructure and not that of our economic competitors.

The SDI MOU's signed between our Government and Great Britain, Italy, West Germany, and Israel—without the advice and consent of the Congress—merely establish a framework for allied competition for SDI contracts.

Passage of my amendment will not alter the SDI MOU's. Under my amendment, our allies may still compete for and win SDI contracts. My amendment permits greater congressional scrutiny for the award of these contracts.

Many of our allies were ambivalent if not hostile toward the SDI program when it was announced, but their op-

position was diminished somewhat by the Reagan administration's invitation to participate in the program. The Federal Republic of Germany's Kohl government, for instance, in order to overcome resistance to participating in the SDI program, emphasized the enormous commercial benefits to be derived from SDI research. Indeed, the fact that the Federal Republic of Germany's Economics Ministry is managing West Germany's participation in SDI—as opposed to the Defense Ministry—reflects the nature of their country's interest in the program.

I am convinced that we in Congress must play a definitive role in setting national security priorities; certainly we should be willing to exercise our constitutionally mandated prerogative by determining how our increasingly limited national resources for defense are to be spent on SDI research.

I urge my colleagues to vote in favor of this amendment.

Mr. President, let me propose a few questions and answers on my amendment.

How does this year's amendment differ from last year's amendment? The answer is that, last year's amendment prohibited DOD expenditure of SDI funds overseas unless the Secretary of Defense certified to the Congress in writing that the contract could not be "reasonably performed by a U.S. firm." This year's amendment mandates that the Secretary of Defense must certify to the Congress in writing at any time during such fiscal year that the work to be performed under the contract "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the RDT&E would be performed by a foreign firm." That is a major difference.

Last year's amendment also included exceptions for the ATBM program and existing contracts. This year's amendment includes those two exceptions plus an additional exception for foreign contracts to be performed within the United States.

Why should we prohibit the award of SDI contracts overseas when some of our allies have clear superiority in certain areas such as software and optics?

Under my amendment, if there is such expertise overseas, SDI contracts may be awarded abroad. That is fine. Let us take advantage of that. All the Secretary of Defense has to do is make a certification to Congress that that is the case.

We take advantage of their unique expertise. A third question: Does the Glenn amendment undercut our SDI-MOU's with our allies? The SDI-MOU's signed between our Government and Great Britain, Italy, West Germany, and Israel—without the advice and consent of the Congress—

merely establish a framework for allied competition for SDI contracts. Passage of my amendment will not alter the SDI-MOU's. Under my amendment, our allies may still compete for and win SDI contracts. My amendment permits greater congressional scrutiny for the award of these contracts.

How will your amendment alter existing law?

DOD asserts that it currently applies the Bayh amendment to all defense contracts, including SDI, which provides that no DOD research and development contracts may be awarded to foreign firms if a U.S. entity is "equally competent to carry out the work and willing to do so at a lower cost."

My amendment alters the Bayh amendment, but only as it applies to SDI research by stating that a contract may be awarded overseas only if it "cannot be competently performed by a U.S. firm at a price equal to or less than the price at which the RDT&E would be performed by a foreign firm."

Your amendment states that the Secretary of Defense must certify to the Congress that no U.S. firm is "competent" to do the job. What does competent mean?

DOD asserts that it currently applies the Bayh amendment to SDI contracts which requires DOD to make a determination that no U.S. firm is "equally competent." What does "equally competent" mean? If, as DOD asserts, it applies the Bayh amendment, it already applies a dual hurdle for foreign competitors to submit both technical and cost proposals for an SDI research solicitation.

DOD writes the specifications for SDI research contracts and the contracting officer must now make a determination that a U.S. firm is not equally competent—in addition to cost considerations—as metaphysical a determination to make as determining what is "competent."

If, as the allies and DOD assert, SDI contracts are going overseas for research where they have a clear advantage over the United States, their DOD-scrutinized cost proposal will undoubtedly be lower than any U.S. firm and the award will go overseas.

You had helped establish defense MOU's to achieve standardization and interoperability of weapons systems in our alliance. In placing restrictions on foreign SDI contracts, you are contradicting your earlier stand or encouraging greater allied cooperation in the defense sector. Why?

I believe that SDI represents a special case. The Reagan administration itself has declared SDI to be its top national security priority. The SDI program involves revolutionary, state-of-the-art technology which is sure to have significant spin-offs both for con-

ventional military applications and for civilian uses. We should use SDI research for building up our own infrastructure and not that of our economic competitors.

Mr. President, I would also call to the attention of my colleagues an interview in the August 31 edition of the *Defense News*, with the Chief Executive of British Aerospace, Sir Raymond Lygo. One of the questions he was asked:

Q. You say open markets, Mr. Younger, says open markets, and then the U.S. House of Representatives passes a measure saying Strategic Defense Initiative (SDI) research money should not be given to any foreign government or foreign business and the American Senate will take it up soon. What are your thoughts?

And here is what the chief executive of British Aerospace replied:

I must say I have a great deal of sympathy with Congress in this matter. I have always made my own views very clear. Unless the Europeans themselves are prepared to put money into SDI, I really didn't understand why the American taxpayer was supposed to put money into European industry. It didn't seem to me to be a particularly fair arrangement.

You see, the difficulty is that when you are dealing with Europe... you aren't really dealing with an organization, you're dealing with an arrangement of nations. And it is very difficult to get Europe to act as one unit unless you get everyone agreeing. Now that is almost impossible... And I think the French reaction by the introduction of *Eureka* made it particularly difficult for the European governments to get their act together in this respect.

Also, I don't think they were prepared for it. I think [SDI is] the right thing to do politically and strategically. But having said that, you really have to prepare the alliance for things of this kind. I don't think they were very well prepared to receive that message.

So even the head of British Aerospace, looking at this issue in the European context, understood why it was not fair that we be supporting their basic research industry at the expense of our own industry.

All one has to do is go to towns like Youngstown, OH, and Warren, IN, and other places where manufacturing has lagged or caused tremendous unemployment. Unemployment on our shores in the past has been taken care of by new developments, new businesses, and new trends in research.

Mr. President, we will have more to say next Tuesday when we get back on this. As the distinguished majority leader has said, we will have no further votes today. I do not know whether there is further debate today, but I will be glad to respond to questions.

Mr. WARNER. Mr. President, the distinguished Senator from Ohio has most eloquently presented the content of his amendment. Last year, I was in opposition. I will avail myself over the weekend of the opportunity to study this with care.



The distinguished Senator from Ohio knows of my concern. If I may speak for our distinguished chairman, we have in the past year made great progress in the United States in encouraging the sharing of technology, the mutual R&D projects and the like. Therefore, at this particular time I will not endeavor to speak to the amendment that is now pending, and I am not knowledgeable whether others on our side want to speak to it at this time.

## AMENDMENT NO. 679

Mr. WARNER. Mr. President, I send to the desk an amendment in the second degree, on behalf of myself and the distinguished Republican leader and other Senators.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. DOLE, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, Mr. LUGAR, and Mr. GRAMM, proposes an amendment numbered 679 to the Glenn amendment numbered 678:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides;

and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soviets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States government.

The Congress should not seek to establish, in U.S. domestic law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva.

Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

Mr. WARNER. Mr. President, in the absence of the distinguished chairman, I will not go into detail with respect to this amendment in the second degree.

I said this morning, and very clearly, that it was my hope—and, indeed, I think this amendment reflects the hope of many—that we do not move the negotiating table from Geneva to the floor of the Senate in the weeks to come while we are debating this important piece of deliberation on behalf of the armed services.

Mr. President, this amendment would put the Senate on record as fully supporting the President in his negotiations with the Soviets and as objecting to congressional actions that would have the effect of constraining the President's flexibility in negotiations or would grant the Soviets a unilateral concession.

Mr. President, during the past 4 months, the Senate has been debating a provision that I, and others of my colleagues, believe would have the effect of undermining the President at this critical juncture in the arms control process.

The so-called Levin-Nunn amendment would place restrictions on the expenditures of funds for development and testing related to the strategic defense initiative [SDI]. It would require a joint resolution of the House and Senate before the President could proceed with any development or testing of SDI systems which could not be conducted under the very restrictive "narrow" interpretation of the ABM Treaty. In other words, if either the House or the Senate should decide not to permit the President to proceed with such developments or testing, then either the House or Senate would have sufficient authority alone to block the President's decision. There are many reasons to be concerned about such a provision. Let me summarize them briefly:

First, this provision represents a unilateral constraint on the United States and grants a substantial concession to the Soviets at a crucial juncture in the arms control negotiations in Geneva. This restriction would limit the flexibility of our negotiators and would impose on them a new starting point that would be welcomed by the Soviets.

Second, the Levin-Nunn amendment would permit an unacceptable intrusion by either House of Congress into the President's exclusive jurisdiction to conduct our Nation's foreign affairs. The Constitution and Supreme Court have defined the balance of authority between the executive and legislative branches; this amendment is a clear transgression by the Congress.

Third, under the restrictive interpretation imposed by Levin-Nunn, we may only conduct limited SDI experiments which are incapable of fully demonstrating a specific technology or ABM system capability. This means that we cannot realistically and efficiently test the more mature strategic defense technologies necessary to determine their technical feasibility as a strategic defense system. The direct results will be substantial program delays and significantly higher costs for ultimately attaining effective strategic defense.

Fourth, the Levin-Nunn amendment would impose on the United States a restrictive interpretation of the ABM treaty to which only the United States—and not the Soviet Union—would be bound. Our negotiators attempted to restrict both the United States and the Soviet Union to the narrow interpretation of the treaty when it was negotiated more than 15 years ago. But the record reveals that the Soviet Union refused to accept this restriction. The Levin-Nunn amendment would bind only the United States to the restrictive interpretation, and would have no effect on the Soviet Union's obligations under the treaty.

Fifth, the Levin-Nunn amendment is in part based on concern for the proper role of the Senate in giving advice and consent on the ratification of treaties. This is certainly an appropriate concern, but the approach taken by Levin-Nunn would hand to the House of Representatives an effective veto over any Presidential decisions to conduct development or testing beyond the restrictive treaty interpretations. The amendment requires a two-House vote of approval before the President may proceed to such development or testing. Therefore, if the House alone should decide not to approve such a decision, they would prevail under the Levin-Nunn amendment. For those Members who are concerned about the Senate role in this process, let me put this another way: If 100 Senators were to agree that the President should be able to conduct certain advanced tests, but the House of Representatives refused to give their approval, then the will of the Senate would be frustrated. A simple majority of the House could overrule not only the President's decision, but also a unanimous decision by the Senate. I suspect this is a result that the authors of the amendment never intended.

Mr. President, I know of one other amendment that a Senator wishes to lay down, but of course that is subject to the pending matter of the Senator from Ohio and the amendment in the second degree.

What would be the disposition of the manager of the bill with respect to laying aside the amendment of the

Senator from Ohio in order to have another amendment laid down? This would give Senators notice of work we propose to do during the course of Tuesday and on into Wednesday.

I think the request has been made to determine the nature of the amendment. If we can put in a short quorum call, perhaps we can establish the content of the amendment, and the manager can make a decision.

Mr. DIXON. Mr. President, I thank my colleague, the distinguished ranking member, for his comments.

In the absence of the chairman of the committee, it had been our intention, and had been the understanding I had, that after Senator GLENN had offered his amendment, we would have some other remarks by chairmen of subcommittees and then probably would conclude for today and go over until next Tuesday for further consideration of amendments.

Without any criticism of what my colleague from Virginia has done, I say that this amendment was not expected on this side. Earlier discussions today, I say to my colleague from Virginia, with the distinguished junior Senator from Indiana and others, in the absence of the Senator from Virginia, had centered on the fact that we might discuss the way in which we would proceed next Tuesday and what amendments we might undertake. There had been some discussion of the whole question of matters related to the Levin-Nunn amendment and some thought about how we might frame this whole thing.

It is perfectly understood, may I say, by this side that we expect that there will be an extended discussion next week on this whole subject matter.

I think, in view of the lateness of the hour today and the fact that no one expects any further rollcalls, I would like to give my report as chairman of the Subcommittee on Readiness, Sustainability and Support which I was prepared to do and then we had hoped, unless other members of subcommittees wanted to do the same thing, we might go over until Tuesday and begin early in the morning on Tuesday.

Mr. WARNER. Mr. President, I see on the floor the distinguished ranking member of the Foreign Relations Committee.

I yield the floor at this time.

The PRESIDING OFFICER (Mr. REID). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Could I inquire of my good friend from Illinois, is he saying that no further amendments can be offered today?

Mr. DIXON. I am saying to my good friend from North Carolina that we already have an amendment under consideration, that of the Senator from Ohio.

Mr. HELMS. I understand.

Mr. DIXON. That has been further complicated now by the offering of an amendment in the second degree by my friend, the ranking member on the Republican side on the Armed Services Committee, the distinguished Senator from Virginia.

Our plate is now full. I am not authorized to set those aside to proceed to another amendment.

I would be delighted to accommodate my friend and colleague in connection with his laying down his amendment at this point in time. But I would not be able to accommodate him by setting aside further consideration of these amendments to go to the question of his amendment.

I would ask him to indulge me to be able to make my statement as a chairman of a major subcommittee of the Armed Services Committee on what I consider to be my responsibilities in connection with an opening statement on the bill.

Mr. HELMS. My point was not to take up any time at all except to offer the amendment to be considered in rotation whenever that appropriate time occurred. I would not make any remarks about it.

Mr. DIXON. The Senator, of course, has a right at any time to lay down his amendment.

Mr. HELMS. No, I do not as long as the amendment is pending.

Mr. DIXON. He can file the amendment, I mean, at this point in time.

Mr. HELMS. I know that. But we hear exhortations on this floor all the time, "If Senators have amendments, please come and call them up." I thought that the procedure would be to have as many amendments to work on on Tuesday as possible. Certainly I understand on Friday afternoon with two-thirds of the Senators out of town already, that there will be no consideration of the amendment. But I was hopeful that maybe the pending amendment and the Glenn amendment and the second-degree amendment offered by Senator WARNER for Senator DOLE and others, could be laid aside so that I could get mine in line. If he has no authority to do that—

Mr. DIXON. I must say, regrettably, to my colleague, as much as I would like to accommodate him, I have no authority to do that. My understanding was we were to proceed first thing Tuesday to a full discussion and then a vote on the Glenn amendment. That has been somewhat complicated by what my friend, the Senator from Virginia, has done. But I feel I have no authority to accommodate the Senator from North Carolina further.

Mr. HELMS. Pardon me. I did not mean to be rude. Did the Senator finish?

Mr. DIXON. Yes.

Mr. HELMS. Would the able Senator be willing to consult with the ma-

jority leader and see what his wishes are with respect to having the amendment?

Mr. DIXON. Would my colleague, if I may interrupt him, indulge me, letting staff folks talk to the majority leader and reach the chairman if I can while I go ahead and make my statement in the brief period of time? When my statement is finished, I will be glad to correspond with the Senator from North Carolina.

Mr. HELMS. I believe we resolved that. The distinguished majority leader entered the Chamber.

I may direct my question, Mr. President, to the distinguished majority leader. Is it the wish or not the wish of the majority leader to set aside amendments so as to have as many amendments submitted so that we could have a process develop for Tuesday?

Mr. BYRD. I would not want to set aside the amendments at this point unless—I do not see Senator NUNN, the manager of the bill, on the floor.

Mr. DIXON. He is absent.

Mr. BYRD. Very well.

I will be glad to see if I can get in touch with Senator NUNN, who is over in his office at the moment, to see if he has any objection. I would not want to agree at this point to set aside the amendment and take up other amendments. So if the distinguished Senator would allow me, would he either withdraw the request or allow me some time; otherwise, I would have to object until we are back on the bill to do so.

Mr. HELMS. I can understand that. I just wanted to apply what I know the majority leader's position is going to be sooner or later on this bill as with all other measures that he will be exhorting Senators to come to the floor and offer amendments. I just wanted to accommodate him in advance in that regard. I do not care whether it is considered today.

Mr. BYRD. I am confident the distinguished Senator from North Carolina will be prepared to call up an amendment at any time there is no amendment pending or whether it is pending or not he will be prepared to call up an amendment.

Mr. HELMS. Very well. I shall go back to my office then. If the majority leader changes his mind, will he let me know?

Mr. BYRD. I surely will.

Mr. HELMS. I thank the majority leader.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to propose a unanimous-consent request to technically change the sponsors of this amendment in the second degree. Mr. President, I ask unanimous consent that the sponsors



read: DOLE, WARNER, HELMS, QUAYLE, SYMMS, LUGAR, and GRAMM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, as I understand the distinguished subcommittee chairman would like to give his statement.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. I thank the distinguished Senator from Virginia for his kindness.

At this time, Mr. President, as chairman of the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee, I would like to take a few moments to highlight for my colleagues the major features of S. 1174 under the jurisdiction of the subcommittee which I chair.

The Subcommittee on Readiness, Sustainability and Support has a broad charter from the full committee to oversee two key measures of our military capability—the ability to go to war today and the ability to sustain deployed forces as required during conflict. The subcommittee is responsible for reviewing those elements of the annual defense authorization request which are associated with the operations and maintenance of our military forces and with those items of procurement particularly related to readiness and sustainability, such as conventional ammunition and spare parts. The subcommittee also oversees the operation of the revolving and management funds and reviews the budget request for military construction and family housing.

In its review of the fiscal year 1988-89 defense authorization request, the subcommittee received testimony from designated representatives of five of the Unified Commanders in Chief; from the senior logistics commanders in the military services and the Defense Logistics Agency; and from the senior officials of the Office of the Secretary of Defense responsible for setting priorities within the annual defense budget request. The committee's actions in the areas of readiness, sustainability and support were shaped by the testimony drawn from these hearings.

First, the committee attempted to minimize the reductions to the budget request in the areas of readiness, sustainability and support.

Second, the reductions that were necessary to meet the budget targets were made as broadly and generically as possible in order to give Defense Department managers the greatest flexibility to minimize the impact of the reductions of readiness and sustainability programs.

Third, in making adjustments to the military construction request, the committee attempted to preserve projects which promised near-term

readiness enhancements and those supporting new systems and quality of life, particularly at austere locations. Whenever possible, the committee also attempted to respect the Unified Commanders' priorities and the balance within each service's request.

Finally, certain readiness and sustainability programs—spare parts funding and conventional ammunition procurement—were not reduced at all, or were reduced only to reflect "fact-of-life" changes.

For fiscal year 1988 the committee bill includes reductions of approximately \$2.7 billion in the programs under the jurisdiction of the Readiness, Sustainability and Support Subcommittee. These reductions were not easy to achieve. There are some problems left in the budget and programs in the area of readiness and sustainability that need to be addressed. We know where these problems are, and I will mention them in my statement, but we just did not have enough money to address all of them.

The operations and maintenance accounts are the largest area under the subcommittee's jurisdiction—\$86.7 billion in fiscal year 1988 and \$91.5 billion in fiscal year 1989. \$1.7 billion of the subcommittee's \$2.7 billion in reductions came from the operation and maintenance accounts. We found \$300 million in financing savings that should not have any impact at all on DOD operations. The remaining reductions came from cutting back the amount of growth in areas where we thought the budget was excessive—Defense claims; command, control and communications; CHAMPUS—and from arbitrarily reducing some of the softer support areas to the current year's level—base operating support; travel and transportation of persons. We also reluctantly reduced the level of investment in modernization of our Defense Department industrial facilities from the requested 5 percent of projected industrial fund revenues in fiscal year 1988 to 3 percent.

The committee was able to add \$100 million to the Army's request for depot maintenance in fiscal year 1988. This is one important readiness area that was severely underfunded in the administration's budget request. The Army's backlog of depot maintenance will still grow in fiscal year 1988, but it will not be as large as it would have been under the administration's budget.

The committee was not able to alter the fact that the backlog of real property maintenance will increase in all four active services in fiscal year 1988 and in fiscal year 1989. However, we were able to provide the full budget request for training and operating tempos in all of the services, with the exception of a minor adjustment to the Air Force flying hour program

which we felt was justified on the basis of technical problems.

In the area of revolving and management funds, the committee recommended a 10 percent, or \$120 million, reduction to the budget request for augmentation of existing stock fund inventories and buildup of war reserve stocks.

The committee bill authorizes the full budget request in the area of spare parts and ammunition, with the exception of some adjustments in the Army's ammunition request for programs which cannot be executed. Frankly, the committee would have liked to add money to the budget request in this area because our hearings demonstrated that this was another critical area of the budget where cuts were made before the budget came to Congress. Wartime sustainability for Air Force tactical fighter aircraft, for example, will decline 20 percent from current levels over the next 4 years because of spare parts funding cutbacks. Unfortunately, we could not find money to add to this area, but we felt it was important to protect these accounts from further cuts.

In the area of military construction the committee made adjustments yielding savings of \$824 million from the fiscal year 1988 budget request of \$10.1 billion. While this may seem to be a modest reduction—about 8 percent—it needs to be viewed in the context of virtually no real growth in this area during the past 3 years. The truth is that our facilities are aging badly—providing inefficient places for our troops to live and work and generating excessive maintenance requirements. Because of the services' and Congress' lack of emphasis on this area, we are neither maintaining or replacing DOD's physical plant at prudent rates.

Having said that, the committee did make reductions to the DOD military construction budget request in virtually all areas. In doing so, we tried to retain projects with near term readiness payoffs and rapid amortization, as well as quality of life improvements, particularly at austere locations. We also tried to make generic cuts where possible, and to respect the priorities of the military services and the unified commanders in chief.

The committee bill also authorizes over 90 percent of the programs under the jurisdiction of the Readiness, Sustainability and Support Subcommittee for fiscal year 1989. The bill authorizes the entire operation and maintenance title at \$86.7 billion, a reduction of \$3.4 billion below the requested amount. This level will provide full inflation, or 0 real growth, for these accounts in fiscal year 1989.

The committee recommends authorization of the full \$10.3 billion requested in the budget for fiscal year 1989

for spare parts and ammunition procurement. We also recommend authorization of the \$1.1 billion requested for the Defense revolving and management funds.

For military construction, the committee bill authorizes \$5 billion of the \$10.6 billion requested in fiscal year 1989. All "level of effort" accounts, such as planning and design, were addressed, as well as \$600 million in specific projects which were either multiple year, phased programs, or supported new systems which the committee has or is authorizing. Major initiatives like the beddown of the Army's light infantry divisions and the Navy's strategic homeports were addressed in the fiscal year 1989 authorization.

The committee bill also includes a number of provisions to increase the flexibility of Defense Department managers to execute their programs and reduce the volume of reports submitted to Congress. One important committee initiative in this area will change the focus of cost variations reporting from the value of individual military construction projects to the total amount made available by Congress for construction on a military installation.

Mr. President, this bill authorizes funds for all of the important readiness and sustainability programs for the military services for fiscal year 1988 and 1989: flying hours, steaming days, training exercises, modern ammunition, and maintenance and supply activities. The bill authorizes military construction projects in all 50 States and overseas. Without this authorization bill, not a single new military construction project in the United States or overseas can be started in fiscal year 1988 or 1989. Enactment of this authorization bill into law is essential for our national defense. Those who vote against this bill send a signal to our friends and adversaries alike that we are not willing to provide our men and women in uniform with the tools they need to protect our country. I urge my colleagues to support this bill.

In closing, Mr. President, I want to thank my friend and colleague Senator HUMPHREY for his cooperation and assistance as the ranking minority member on the Subcommittee on Readiness, Sustainability and Support. I don't think there has been a single difference of opinion between us this year on any major issue before the subcommittee. I look forward to working with him on the Armed Services Committee throughout the remainder of this Congress.

Mr. President, in conclusion, I want to express my profound appreciation to the chairman of the committee, Senator NUNN, to the ranking member, Senator WARNER, and every Member on both sides for the very excellent cooperation I received in that subcom-

mittee as chairman of the subcommittee and for their support in the committee.

I thank the Chair and I yield the floor.

Mr. LEVIN. Mr. President, did the ranking member want to have the floor?

Mr. WARNER. Mr. President, I just wished to express my appreciation to the distinguished Senator from Illinois for his statement and for his hard work on this bill. I look forward to working with him as we begin to consider the bill.

Mr. President, if the Senator will forbear for a moment, I ask unanimous consent that Senator STEVENS be added as an original cosponsor to the pending Dole-Warner amendment in the second degree.

The PRESIDING OFFICER. Without objection, that is the order.

(Mr. DASCHLE assumed the chair.)

Mr. LEVIN. Mr. President, when Senator NUNN determined the organization of the Armed Services Committee, he said that he wanted to have a focus for conventional defense. He established the Conventional Forces and Alliance Defense Subcommittee, and gave it responsibility for reviewing our major conventional defense commitments. This includes most of the conventional weapon systems used by our land and tactical air forces.

The subcommittee's jurisdiction includes all land combat systems in the Army, tactical aircraft in the Army, Navy, and Air Force, missile systems launched from those combat aircraft, as well as related other procurement.

The subcommittee has some joint jurisdiction with some other subcommittees, and this subcommittee which I chair has oversight of \$8.3 billion in R&D in fiscal year 1988 and \$9 billion in fiscal year 1989.

The subcommittee held detailed hearings this year and learned of deficiencies which bring into question the ability of our forces to meet our conventional defense requirements. The full committee has incorporated recommendations of the Conventional Forces Subcommittee in the bill that we have before us to address these key deficiencies to the maximum extent possible in a constrained budget.

I will go into each of these areas in some detail, but I did want to summarize them briefly at the outset.

We found that the bulk of the Army's modernization program was being prematurely terminated. To correct that, the committee has kept in production the five most important combat systems, and has retained efficient production rates for all of them.

We found that the Navy had proposed serious stretchouts in Navy aviation. We terminated the most inefficient production lines and increased funding on several crucial programs to get more efficient production rates.

We found that the Navy's aircraft modification account was seriously underfunded, with many critical modification programs funded inefficiently or not at all. To correct that situation, we have made a major effort to restore funding to those modification programs.

We found that munitions stockpile levels continue to be a problem. Not a single missile was cut from the budget request in our subcommittee's jurisdiction, and we even added funds for a needed air-to-air missile despite the requirement to cut \$1.3 billion from our accounts.

We found production stretchouts in almost all of the accounts. We were able to increase production rates on six major programs, restoring all of them to relatively efficient production rates. But we were unable to do more than that because of budget cuts in the conventional forces area.

A long-term solution to these deficiencies will depend on a fundamental reassessment of our resource plans. I believe the committee is reporting an excellent bill that gets to the heart of a lot of the deficiencies and problems we have in the conventional forces area. Frankly, I opposed any cuts in the conventional area so long as there were funding increases for strategic programs. Nuclear weapons have received disproportionate favor during the past 6 years at the expense of conventional force modernization. This year's CD request continued that imbalance in spades. I feel that we should correct that imbalance, and I will offer amendments later which I believe will go a way toward doing so.

Let me now review in more detail the findings of the Conventional Forces Subcommittee.

One of the most important conclusions from our hearings this year is that the Army modernization program was being prematurely terminated far short of requirements. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table, developed from data provided by the Army, which shows the percentage of requirements met for the major combat systems.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATUS OF ARMY MODERNIZATION PROGRAM

	Last year procured	Percent modernized	Follow-on scheduled
AH-64 helicopter.....	1988	49	1995
UH-60 helicopter.....	1991	36	1996
MLRS rocket launcher.....	1993	49	(1)
M1 tank.....	1992	71	1996
M2 fighting vehicle.....	1991	60	1996

<sup>1</sup>No follow on.

These five systems are the key systems constituting the Army modernization program. Under the plans sub-



mitted by the administration, all are scheduled for termination within a few years, well short of satisfying the longstanding requirements. More alarmingly, follow-on systems to replace these current front-line weapons are not scheduled to enter service for many years. In some instances a 7 year gap separates termination of one system with the fielding of its follow-on.

While this situation is a serious deficiency in its own right, the problem has been highlighted by the prospect of removing short- and medium-range nuclear missiles from Europe. Nuclear weapons in Europe have masked some underlying conventional disparities. If less reliance is placed on nuclear weapons in Europe, as I hope will be the case, the United States and the NATO allies should strengthen conventional defenses. Yet, conventional defense is weakened if the Army's modernization is cut short with wide gaps between the production of current systems and follow-on systems.

The bill we are recommending to the Senate takes an important step in correcting that deficiency. We have provided sufficient funds to keep the AH-64 aircraft in production, to increase the production rate on the UH-60 helicopter, the M-1 tank and the Multiple Launch Rocket System in order to keep them approximately at last year's level. Further, we included language in the committee report directing the Department of Defense to keep those major systems in production until they satisfy a substantially larger portion of requirements.

In order to keep some of these key programs in production, the committee recommended substantial reductions in the Army's LHX helicopter program. The committee concluded that it made little sense to start a large new program designed to produce a new helicopter that was not significantly better than helicopters the Army was planning to terminate.

But slowing down the LHX will not provide sufficient resources in the future. The Department will have to follow through to insure that the Army receives adequate funding in the future to keep these key modernization programs on track.

The second major deficiency in the budget that was submitted this year concerns Navy aviation. While the Navy decided to accelerate the procurement of aircraft carriers, it chose to stretchout the procurement of combat aircraft. This is ironic, indeed remarkable, since it is the combat aircraft, not the aircraft carriers, that go to war.

Mr. President, I ask unanimous consent that a table showing aircraft stretchouts in the Navy be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NAVY AIRCRAFT PROCUREMENT (1988-91)

	1987 plan	1988 plan	Reduction	
			Num- ber	Per- cent
F-14 fighter	90	73	-17	-19
F-18 fighter/bomber	590	300	-290	-49
AV-8B bomber	168	94	-74	-44
A-6 medium bomber	78	78	0	0
EA-6B electronic jammer	48	33	-15	-31
CH-53E helicopter	40	32	-8	-20
V-22 tiltrotor aircraft	108	57	-51	-47
AH-1T attack helicopter	0	34	+34	0
SH-60 sub-hunting helo.	96	96	0	0
P-3 sub-hunting patrol	36	29	-7	-19
E-2C early warning aircraft	24	24	0	0
Total	1,278	850	-428	-33

Mr. LEVIN. A third of all the combat aircraft in last year's 5-year defense plan were removed from the budget at the same time that the size of the fleet is expanding. These specific stretchouts will result in an older aircraft fleet. The average retirement age last year was 23 years. Now the average retirement age will be 26 years. This trend is a mistake. The Congressional Budget Office testified that the Navy would require \$26 billion to return to the desired fleet age in last year's plan. Such an enormous bill is not likely to ever be paid. And in the face of future likely funding constraints, the trend toward aging Navy aircraft will accelerate, with adverse long-term consequences for the combat capabilities of Navy aviation.

One of the key decisions made by the committee concerns modernization of the Navy's medium attack fleet. The Navy has two programs underway to do that. The first is a program to update the existing A-6 medium attack bomber with new electronics and new engines. The second is the development of a new generation attack aircraft, the Advanced Tactical Aircraft, or ATA.

The committee decided to terminate further work on the A-6. The A-6 is an older design aircraft. It has been a workhorse for the Navy. But it was designed in the 1950's and it presents a very large image to enemy radar and is a subsonic aircraft. As a result it is very vulnerable to enemy anti-aircraft missiles and gun fire. The committee decided that in the face of limited budget resources, it is much better to invest in the new generation ATA aircraft, rather than to spend some \$6.5 billion on newer models of inherently vulnerable A-6 aircraft. Consequently, the committee directed the Navy to terminate the A-6 Program and to proceed immediately with development of the ATA.

This provided sufficient resources for the committee to increase production of the EA-6B electronic jammer aircraft. The Navy requested only 6 in fiscal year 1988, which is half of the

quantity provided in 1987. We brought the production rate back up to 12 aircraft, which is a tremendous improvement in efficiency in producing those aircraft.

The decision to terminate the A-6 also provided sufficient resources to restore funding for many important modification programs in Navy aviation. For example, the most important aircraft in the fleet—the E-2 early warning radar aircraft—has developed wing cracks so severe that a fourth of the fleet is grounded. Incredibly, there was not one penny in the budget request to deal with that problem. With the savings from the A-6 termination, we were able to fund the start of a retrofit program.

We were also able to correct another major modification program—the A-6 Rewinging Program. The existing A-6 aircraft are under contract to have new wings installed on them. A third of the fleet is grounded or on restricted status because of wing cracks. The budget as submitted underfunded this program so severely that the current contract would have been broken. Savings from the A-6 termination generated sufficient resources to fund that important modification program at the maximum rate.

While I am proud of the committee for the actions it took on Navy aviation, I am concerned over the future for the Navy. This budget contains the commitment to new carriers, but does not have sufficient funds to buy an adequate number of aircraft for the Navy. The commitment we make to a 600-ship Navy, and to 15 carrier battle-groups, is a hollow commitment if we do not buy sufficient aircraft to make that fleet a combat force. We were not able to solve that more fundamental problem in the bill we report today.

#### PRODUCTION STRETCHOUTS

The third major deficiency we discovered in the Conventional Forces Subcommittee is one of production inefficiency and production stretchouts for many weapon systems. Again, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table showing all the major combat systems that are being stretched out below the level provided last year.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRODUCTION STRETCHOUTS BELOW FISCAL YEAR 1987 LEVEL

	Fiscal year 1987 level	Request
EH-60 helicopter	18	5
AH-64 helicopter	101	67
UH-60 helicopter	82	61
M2 fighting vehicle	662	616
Field artillery vehicle	141	65
M-1 tank	800	600

PRODUCTION STRETCHOUTS BELOW FISCAL YEAR 1987  
LEVEL—Continued

	Fiscal year 1987 level	Request
EA-6B jammer aircraft	12	6
AV-8B bomber/lighter	42	32
F-14 fighter	15	12
SH-60B sub-hunting helicopter	17	6
E-2C early warning aircraft	10	6
HARM antiradiation missile	1,078	766

Mr. LEVIN. The Conventional Forces Subcommittee and the Defense Industry and Technology Subcommittee held joint hearings on this critical problem. The committee learned of the following serious trends in recent years.

During the past 5 years, weapons have been produced at just 50 percent of efficient production capacity.

A fourth of the major acquisition programs during the past 5 years were manufactured at a rate below the minimum economic rate for those systems.

Half of the largest 20 weapon systems were stretched out compared to last year's plan.

The key cause of the production rate problem is that the defense budgeting system permits more programs to be included in the budget than there are funds available to procure those programs. The Comptroller General summarized the problem when he testified that:

Historically, too many weapon systems have been started or proposed for the limited funding available, and often the cost estimates for the systems have been overly optimistic. This combination—too many programs and optimistic cost-estimating—has produced the much discussed "bow wave" phenomena where future funding requirements out-strip funding availability.

The committee attempted to come to grips with this problem by slowing down some of the major new starts. As I indicated, this bill slows down the LHX helicopter program in the Army. We recognize the need to develop a replacement helicopter, but this is not the right time to begin when it involves terminating existing frontline production helicopters. We discussed slowing down the Navy's advanced tactical aircraft, but the committee felt it was more important to terminate production of the obsolete A-6 rather than delay development of the ATA.

We also proposed delaying the Air Force's Advanced Tactical Fighter. As I mentioned to my colleagues many times, I was not opposed to the ATF fighter. I think it is a good program and a good design. The problem is that it is a \$75 billion program that has to fit in a flat budget. We asked the Air Force how it would determine priorities in the face of static budgets and they declined. This is unfortunate because they are just ignoring reality. Frankly, I would give high priority to the ATF compared to other major pro-

grams in the Air Force accounts. We will have to resolve that issue at some near future date.

Before I conclude, Mr. President, I do want to note my appreciation for the contribution of Senator QUAYLE, the ranking minority member on the Conventional Forces and Alliance Defense Subcommittee. The bill is much improved because of this diligent efforts.

He is a good friend as well as fine colleague. He is cooperative, not only on the subcommittee but in so many endeavors that many of us in the Senate have had the pleasure of working with him on.

Also, in conclusion, may I just state a word of my pleasure in working with Senator NUNN, who is one of the most extraordinarily talented people I have ever met. He has applied those talents to produce a bill which is a very, very good bill under very difficult circumstances. He works with a good friend, a dear colleague, Senator WARNER, who is the ranking Republican. The two of them have been able, with just one exception, the language which has been the subject of so much debate, to lead this committee to really quite an extraordinary conclusion, and a bill which I believe in general meets the requirements of the Nation in terms of our national security, at the same time being done in a very, very difficult budget environment for defense.

I want to congratulate and thank both Senators NUNN and WARNER not only for working together so well but for being such good friends with each other and the rest of us, and for working with us so well, those of us who have the privilege of being the chairman and ranking members of the subcommittees.

Mr. President, I yield the floor and thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague and friend from Michigan. Indeed, we came to the U.S. Senate together. It has been awhile back. We do not want to recall right now how many years that has been. In those years we have served on the Armed Services Committee and have served under distinguished chairmen and now we are privileged to serve under Chairman NUNN.

I thank the Senator for his fine remarks. He has been a real and powerful friend on that committee, although I do not always agree with him. He is a real tower of strength in his own right.

Mr. LEVIN. I thank my friend. We do have one disagreement which I know we will have a good, healthy debate over in the weeks ahead. There has been a lot of cooperation between the members of this committee over the years and I also really think that

will prevail, whatever the outcome of that debate is.

I know we both feel strongly about our staff contributions which they have made on our subcommittees. John Hamre is the principal one on this particular subcommittee. All of our staffs have worked so hard. I am really glad that we have gotten this bill to the floor; they have worked hard on it. I know they know we can reach a conclusion that ultimately is consistent with the security needs of this country.

Mr. WARNER. Mr. President, I again thank my distinguished colleague.

Just to close out on a note of joy, did I understand there is but one issue which separates us and that would be the Levin-Nunn amendment? I am very pleased to hear that you are now on board with the aircraft carriers and pulling with us for that program.

Mr. LEVIN. I think that is one part of my remarks when you must have been talking with someone else when I was commenting.

Mr. WARNER. I understood you to say there was only one issue that separates us.

Mr. LEVIN. Only one principal issue.

Mr. WARNER. You relegate that to a secondary issue?

Mr. LEVIN. Yes; the one that has been subjected to filibuster, I think, is the one and the other would have to be relegated to secondary. The Senator should know that we should not have more aircraft carriers when we are cutting down the aircraft number. That must be a priority also. That will also be a subject of debate. But compared to the subject that has been the principal matter involved in the filibuster, I would have to relegate that and a number of other issues, including the balance between conventional and nuclear weapons, which you know I feel strongly about, which I will be offering an amendment on, I would relegate those to a different tier.

Mr. WARNER. Mr. President, I would ask my distinguished friend as we proceed to address the issue of carriers, whether he could make a trip with me and look at where the USS *Midway* is today, look at a ship that is 50 years old, and then ask himself would he want to serve on that ship. Would he want one of his sons to serve on that ship?

Bear that in mind as we proceed over this weekend. Contemplate this secondary issue.

Mr. LEVIN. We will indeed contemplate that issue. It always troubles us, the age of our fleet, but the age of our planes is even more troubling. We are approaching a so-called 600-ship Navy but we also have to worry about what flies off those ships.

Mr. WARNER. Mr. President, at this time I see no other Senator desiring to



be recognized. With the distinguished Senator from Michigan here, I wonder if we might appoint ourselves as Senate leadership for a few moments.

Mr. President, could I inquire as to whether there is an order with respect to the Senate and, if so, perhaps the Chair will address the Senate with respect to that order?

The PRESIDING OFFICER. The Chair is not aware of any particular order pending.

Mr. WARNER. I thank the Chair. I was misinformed. I was told there was an order left with the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, while the majority leader is on the floor, let me indicate that as far as I know there is nobody who wants to speak further on the defense authorization bill this afternoon. My understanding is that it would be the desire of Senator NUNN to then return to the pending amendment on this bill when we next take it up.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Michigan for his analysis of the situation at this point. It is 4:30 on a Friday afternoon. I think we have had a good day's work. It has been a good day. We are on the bill and several opening speeches have been made.

They would have to have been made at some point. And there is an amendment pending or maybe, I believe, an amendment to an amendment already. So I thank the Senator.

#### MORNING BUSINESS

Mr. BYRD. Mr. President, I will therefore ask unanimous consent, so that Senators will know that we will not be on the bill any longer today, that there now be a period for morning business not to extend beyond an hour, and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Again, I thank the distinguished Senator, Mr. LEVIN.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 1:53 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, with amendments, in which it requests the concurrence of the Senate:

S. 1158. An act to extend the authorization of appropriations for programs and activities under title III of the Public Health Service Act, to establish a National Health Service Corps Loan Repayment Program, to otherwise revise and extend the program for the National Health Service Corps, and for other purposes; and

S. 1452. An act to amend the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the Investment Advisors Act of 1940 to make certain technical, clarifying, and conforming amendments, to authorize appropriations to the Securities and Exchange Commission, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Special Report on Allocation of Budget Totals by the Committee on Rules and Administration (Rept. No. 100-155).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 1677. A bill to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store; to the Committee on Armed Services.

By Mr. HATCH:

S. 1678. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

S. 1679. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE:

S. 1680. A bill for the relief of Barbara Temple-Thurston; to the Committee on the Judiciary.

By Mr. HELMS (for himself, Mr. ARMSTRONG, Mr. HATCH, Mr. HECHT, Mr.

HEFLIN, Mr. SHELBY, Mr. SYMMS, Mr. THURMOND, and Mr. WILSON):

S. 1681. A bill to authorize funds for military assistance to the Democratic Resistance in Nicaragua unless the President certifies to Congress that the Communist government in Nicaragua has met certain conditions; to the Committee on Foreign Relations.

By Mr. CONRAD (for himself and Ms. MIKULSKI):

S. 1682. A bill to increase the amount authorized to be appropriated with respect to the Sewall-Beimont House National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. MCCLURE:

S. 1683. A bill to amend the Farm Credit Act of 1971 to assist Farm Credit System borrowers, to establish an agricultural secondary market, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. DOLE, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, Mr. MELCHER, Mr. BRADLEY, Mr. MURKOWSKI, Mr. BIDEN, and Mr. METZENBAUM):

S. Res. 282. Resolution to express support for President Corazon Aquino and the Government of the Philippines; considered and agreed to.

By Mr. QUAYLE (for himself and Mr. SHELBY):

S. Res. 283. A Resolution regarding the INF enhancement; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. DODD, Mr. SANFORD, and Mr. SASSER):

S. Con. Res. 71. Concurrent resolution expressing support for the Central American Peace Agreement, signed August 7, 1987, and congratulating the Presidents of Central America on the successful outcome of their recent summit meeting in Guatemala City; to the Committee on Foreign Relations.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 1677. A bill to prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store; to the Committee on Armed Services.

#### SALE OF TOSHIBA PRODUCTS IN MILITARY EXCHANGE STORES

Mr. SHELBY. Mr. President, today I introduced legislation that would prohibit the Department of Defense from purchasing any product manufactured or assembled by Toshiba America, Inc., or Toshiba Corp. for the purpose of resale of such product in a military exchange store.

This measure is identical to H.R. 2948, sponsored by Congressman DAN

DANIELS, which was approved unanimously by the House Armed Services Committee and which passed the House on July 27 by a voice vote.

The Senate has already passed an amendment to the trade bill, which I originated, that would ban sales in the United States of all Toshiba products and those of the Norwegian firm, Kongsberg for 2 to 5 years. It would also apply sanctions to future breaches of Cocom regulations.

The legislation I introduced today, as well as measures already offered in both Houses of Congress, stem from Toshiba and Kongsberg illegally selling sensitive submarine propeller technology to the Soviet Union.

Resulting from this illegal transfer, Soviet submarines can now lurk the world's oceans virtually undetected. Just a year ago, however, the U.S. Navy could easily detect Soviet submarines by picking up the sound waves of their propellers. Thus, last year the Navy realized that the Soviets had made a huge leap forward in technology—a leap forward that they were not capable of making on their own, without Toshiba as their technological stepping stone.

Our national security was severely breached by these acts. The cost to repair this treachery will be substantial. Soviet submarines are now much more difficult to detect. Consequently, it will require billions of dollars to create new tracking technology to regain our lost edge in antisubmarine warfare.

These funds needed to regain our valued military advantage will come out of Department of Defense budgets at the expense, of course, of other programs. As a response to this gross injustice I believe the United States must ban the sales of Toshiba products at military exchange stores. The Department of Defense could easily purchase similar products from other companies without having to pay a higher price.

Toshiba set us back in our detection of Soviet submarines. Public apologies are not enough. We must send a message to all who wantonly violate export controls laws. The message—the United States will not tolerate these infractions and violators will pay the price.

As a member of the Senate Armed Services Committee I will work for quick passage of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no product manufactured or assembled by Toshiba America, Incorporated, or Toshiba*

*Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).*

By Mr. HATCH:

S. 1678. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

#### CHILD CARE SERVICES IMPROVEMENT ACT

Mr. HATCH. Mr. President, I would like to introduce to you today a young woman whose situation is one of the major reasons why I am today introducing the Child Care Services Improvement Act.

She lives in Utah, but she could be a resident of West Virginia or be a resident of New York or North Dakota or any State in the Union.

Out of respect for her privacy, I will call her Robin Brown. She's a factory worker, and she is a mother. A single mother. A single mother of four young daughters.

She loves her children. She lives for them. Her daughters are the most important thing in her life.

According to a county agency caseworker, Robin recently was reported to the Child Protective Services, an agency of Utah State Social Services, for—of all things—child neglect. Three times, in fact, in a 60-day period.

You see, Robin like so many single mothers in this Nation of ours, receives no child support. She has to work overtime whenever possible to supplement her income. As a result, her 10-year-old daughter, Aimee, has to care for her sisters, who are just 8, 7, and 4, respectively.

When asked by investigators why she had left her daughters unsupervised after school, Robin simply said, "It was a choice between a babysitter or food."

Robin chose food.

And I think it's safe to say that all 100 Members of this distinguished body would have answered the same.

A hard worker, a concerned mother, a conscientious taxpayer, Robin felt demoralized to be the subject of an investigation for child neglect.

Robin fervently wants her daughters to grow up not only with the self-respect and dignity that come from economic independence but also with an understanding that it takes hard work and perseverance to achieve this objective.

Robin is not an isolated case. She is just one of millions of women who maintain families by themselves in this country. Like Robin, these mothers are forced daily to make untenable choices regarding their children's welfare.

The recent testimony of Miami Police Detective Marva Preston before

the Subcommittee on Children, Youth, and Families, described the tragic, outcome of one such decision that occurred when a Florida mother faced a similar choice. Her two unsupervised children died after they had climbed into a clothes dryer.

We in Government are faced with a choice of our own: Do we force women to choose between staying at home, dependent on public assistance, or working without child care? Or, do we constructively address our Nation's child care issue and encourage honest work and economic self-sufficiency?

Mr. President, I will admit that I believe it is far preferable for parents to care for their own children; but I have been persuaded by the facts that our policy choice must be to enable citizens to work without fear for the safety and well-being of their children.

Let's review a few facts. Between 1950 and 1981, the labor force participation of mothers more than tripled. Between 1970 and 1981, women with children accounted for 40 percent of the increase of women in the labor force. Currently, over 9 million children under age 6, and over 24 million between ages 6 and 17 have working parents.

We must remember first that two-thirds of the women who work do so out of economic necessity. They are single, widowed, divorced, separated, or have husbands whose incomes are less than \$15,000 a year. Second, inflation and interest rates skyrocketed during the 1970's, making a second income the only way for some families to get ahead or to stay even. Many wives work to finance the purchase of a home, a child's education, or a more secure retirement. Third, many women have invested a lot in their own training and education and want to pursue careers in addition to homemaking. In addition, there are over 6 million families with children maintained by single parents. The only alternative to child care for many of these families is welfare—and that is no alternative at all.

I hope we understand that child care is not just a problem for the poor. It is not an isolated issue for some economic groups or unique to some parts of the United States. It is a persistent, difficult, and emotional issue for working mothers and fathers throughout our country.

Existing Federal child care programs have been like buckshot—scattered all over in hope that the target gets hit. The measure I am introducing today, the Child Care Services Improvement Act, represents a comprehensive approach to dealing with the several interconnected aspects of child care.

Our current programs also presume to know best the type of child care people want; these programs impose specific solutions on States, local gov-



ernments, and families. Witnesses at a hearing I held in the Labor and Human Resources Committee last year agreed that while greater leadership by the Federal Government is needed to address this issue more effectively, there is no consensus regarding what types of child care are preferred. The Child Care Services Improvement Act provides incentives for both innovation and flexibility. Specific mandates are avoided.

Title I of the bill establishes a \$250 million block grant administered by the States which will provide seed money for communities, local organizations, small businesses, and educational institutions, among others, to develop a variety of child care programs. States may grant funds for such activities as scholarships for low-income families, after-school programs, temporary care for sick children, or the renovation of public buildings to accommodate neighborhood or community child care centers, to name just a few. Title I also sets out the bill's only major requirement—that recipients of funds under the act must meet State licensing or accreditation standards.

Title II tackles the tremendous liability burden faced by all child care providers, large or small, profit or non-profit. The difficulty in finding affordable, or even available, liability insurance is a major factor discouraging potential providers from entering the child care field. Many providers find that their premiums have risen at the same time coverage has dropped. Family-based and some nonprofit child care providers have difficulty obtaining liability insurance at any price, while other nonprofit organizations are discouraged from sponsoring child care programs due to the liability risks involved.

The Child Care Services Improvement Act authorizes \$100 million to assist the States in establishing liability insurance pools of which any licensed or accredited child care provider may be a member. The bill also makes certain reforms in tort law as it relates to child care providers in order to help increase the availability of adequate and affordable child care.

Title III provides \$25 million for a revolving loan fund, administered by each State, to be used by child care providers to make those capital improvements which are necessary to become a licensed or accredited family-based child care facility. Family-based providers may borrow up to \$1,500 from the revolving loan fund to make necessary renovations. It is of the utmost importance that child care centers are able to ensure the health and safety of the children entrusted to them. This bill recognizes that becoming licensed or accredited is likely to involve a significant expenditure for some family-based providers.

Title IV addresses another area of the law which discourages potential child care providers from entering the child care profession—or from entering it legally: taxes and IRS red tape. This bill recognizes the value of different types of child care settings. Each has different strengths and advantages which are better suited to the needs and preferences of individual families.

Family-based child care generally involves a mother, grandmother or couple who care for neighborhood children along with their own children in their homes for a fee. In-home child care involves a child care provider who comes to the home of a family to care for the children. Some in-home providers live with the family but most come only for the hours of the day when the parents are working. In-home and family-based care may be critical for parents with infants or for parents who need child care after school. Most group child care centers will not take infants under 18 months of age, and after school programs are often unavailable for school-age children.

Currently, the tax treatment of in-home and family-based child care is extremely burdensome. A family-based child care provider is considered to be a self-employed individual, which means that the provider must file gross income estimates and pay income taxes and Social Security taxes on a quarterly basis, and pay both the employer and the employee share of the SECA taxes. An in-home child care provider is viewed by the tax code as an employee of the parent, as though the parents owned a business with many employees, which triggers all of the usual IRS, FICA, unemployment insurance, and workers' compensation reporting and withholding.

Given the paperwork nightmare facing in-home or family-based child care providers, a considerable number work underground, paying no income tax at all, and many are discouraged from entering the profession, despite the critical need for child care. Equally important, this filing burden discourages providers from becoming licensed in accordance with state or local standards. Persons who have not complied with all of the required quarterly and annual filings cannot become licensed and reviewed for quality and safety without fear of exposing their tax liability. The Child Care Services Improvement Act would remove this disincentive to provide services by streamlining the tax treatment of these child care providers.

Additionally, the bill provides tax incentives to encourage corporations to establish or participate in quality child care programs. Currently, there are 2,500 corporations employing 100 or more workers that have established some form of child care benefit, such as vouchers systems, referral services,

onsite child care programs, or parent education seminars. Much can be done to forward the participation of the private sector in the provision of child care. The Child Care Services Improvement Act establishes a tax credit for companies that establish onsite child care programs, and it includes child care assistance as an option in cafeteria benefit plans.

Mr. President, I am convinced that the trend toward two-working parents and single parent families will continue. We may disagree among ourselves about the societal value of these changes in workforce demographics, but the question of whether these changes are good or bad is not the issue. It is time to face reality. Our failure to do so jeopardizes the growth and development of the next generation of Americans—of Aimee Brown and her sisters.

It is time for Congress to act on constructive, fiscally responsible legislation to address the triple problems of child care availability, access, and quality. I urge my colleagues on both sides of the aisle to join me as a cosponsor of the Child Care Services Improvement Act. It is a positive step we can take for the Robin Browns of every State.

Mr. President, I ask unanimous consent that the text of the legislation be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Services Improvement Act of 1987".

#### SEC. 2. PURPOSE.

It is the purpose of this Act to—

- (1) expand the availability of child care for working families;
- (2) increase the access of low income families to child care;
- (3) ensure the health and safety of children entrusted to child care providers; and
- (4) provide incentives for private sector participation in child care services.

#### SEC. 3. FINDINGS.

Congress finds that—

- (1) 63 percent of all women with children under the age of 14 are in the labor force and 52 percent of such women have children under the age of 6;
- (2) of all of the women in the labor force, two-thirds became employed due to economic need because they are the head of a household or because they have a spouse that earns less than \$15,000 per year;
- (3) compliance with established quality standards is critical to ensuring the health and safety of children in family-based and group child care settings;
- (4) compliance with accreditation or licensing standards by providers requires a substantial capital investment that both discourages individuals from entering into the

child care profession and increases the cost of child care for families;

(5) the shortage of day care slots for the children of low-income families jeopardizes the safety of such unsupervised children;

(6) there is a shortage of trained child care workers and of training programs where individuals can obtain the training necessary to become such a worker;

(7) difficulties in obtaining affordable liability insurance and in complying with cumbersome tax and filing requirements discourage potential child care providers from entering the profession; and

(8) the accumulated effects of the unavailability, unaffordability, and uncertain quality of child care in the United States will have a negative impact on the growth and development of children.

#### TITLE I—CHILD CARE BLOCK GRANT

##### SEC. 101. CHILD CARE BLOCK GRANT.

Title XIX of the Public Health Service Act is amended by adding at the end thereof the following new part:

#### "PART D—CHILD CARE SERVICES BLOCK GRANT

##### "SEC. 1931. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of allotments to States to carry out the activities described in section 1934, there are authorized to be appropriated \$250,000,000 for each of the fiscal years 1988, 1989, and 1990.

##### "SEC. 1932. ALLOTMENTS

###### "(a) FORMULA.—

"(1) IN GENERAL.—The Secretary shall make allotments to each State for each fiscal year, from amounts appropriated under section 1931 for such fiscal year, on the basis of a formula prescribed by the Secretary that is based equally—

"(A) on the population of each State; and  
 "(B) on the population of each State weighted by the relative per capita income of the State.

"(2) DEFINITION.—For purposes of this subsection, the term 'relative per capita income' means—

"(A) the quotient of the per capita income of the United States and the per capita income of the State; or

"(B) in the case of Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Commonwealth of Puerto Rico, or the Virgin Islands, the quotient shall be considered to be 1.

###### "(b) ADDITIONAL ALLOTMENT.—

"(1) SOURCE OF ALLOTMENT.—A State shall receive an additional allotment if funds appropriated and available for allotment for a fiscal year are not allotted to States under subsection (a) because—

"(A) at least one State has not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(B) at least one State has notified the Secretary that the State does not intend to use the full amount of the allotment; or

"(C) at least one State's allotment is offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1935(e)).

"(2) METHOD OF ALLOTMENT.—The excess amounts available for allotment under paragraph (1) shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year.

##### "SEC. 1933. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make payments from amounts appropriated

for each fiscal year, as provided by section 6503(a) of title 31, United States Code, to each State from the State allotment under section 1932.

"(b) CARRYOVER.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

##### "SEC. 1934. STATE USE OF ALLOTMENTS.

"(a) PROJECT GRANTS.—Amounts paid to a State under section 1933 shall be used by the State to make grants to eligible entities for projects described in subsection (c) that meet at least one of the purposes of the Child Care Services Improvement Act of 1987.

"(b) ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

"(1) a unit of a local government, including a school district;

"(2) a nonprofit organization, including organizations described in section 206(a) of the Child Care Services Improvement Act of 1987;

"(3) a professional or employee association;

"(4) a consortium of small businesses;

"(5) an institution of higher education;

"(6) a hospital or health care facility;

"(7) a family care provider; or

"(8) an entity that the State considers able and appropriate to carry out a project under this part.

###### "(c) PROJECTS.—

"(1) PURPOSE.—A State may make grants to an eligible entity—

"(A) for voucher programs or scholarships that enable low income families to obtain adequate child care;

"(B) for the establishment and operation of community or neighborhood child care centers, including the renovation of public buildings for such purposes;

"(C) for the establishment and operation of after school child care programs;

"(D) to provide grants or loans to fund the start up costs of employer sponsored child care programs;

"(E) for the establishment and operation of training programs for child care providers;

"(F) for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled; or

"(G) for any project consistent with the purposes of the Child Care Services Improvement Act of 1987.

"(2) LIMITATIONS.—A State may not use amounts paid to the State under section 1933 to—

"(A) provide inpatient health care services or other unrelated services, except temporary sick child care as authorized under paragraph (1)(F);

"(B) make cash payments to intended recipients of services (other than pursuant to the voucher system authorized by paragraph (1)(A));

"(C) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment (except as provided in paragraph (1)(B)); and

"(D) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(3) WAIVER OF LIMITATIONS.—The Secretary may waive the limitations contained in paragraph (2) on the request of a State if the Secretary finds that there are extraordi-

nary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(d) TECHNICAL ASSISTANCE.—The Secretary, on request by a State, shall provide technical assistance to the State in planning and operating activities to be carried out under this part.

##### "(e) STATE ADMINISTRATION.—

"(1) LIMITATION ON EXPENDITURES.—No more than 10 percent of the total amount paid to a State under section 1933 for a fiscal year shall be used for administering the funds made available under such section. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(2) STATE RESPONSIBILITIES.—From the funds reserved by the State under paragraph (1) for the administration of the amounts awarded to the State under section 1933, the State shall—

"(A) provide technical assistance to eligible entities participating in projects under this section;

"(B) conduct investigations of child abuse in projects funded under this section; and

"(C) coordinate projects funded under the Child Care Services Improvement Act of 1987 with referral programs conducted pursuant to the State Dependent Care Development Grants Act.

"(f) CERTIFICATION.—To receive funds under this part, a State shall—

"(1) certify that the State will coordinate the provision of child care services with funds provided under the Child Care Services Improvement Act of 1987 with other child care services available in the State;

"(2) certify that the State agrees that Federal funds made available under section 1933 for any fiscal year will be used to supplement and increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify that the Governor of the State will establish an advisory council that meets the requirements of section 1936; and

"(4) certify that the State will adopt standards of accreditation or licensing for family-based and group child care providers, and methods of inspection and certification based on such standards.

###### "(g) REPORT BY STATE.—

"(1) IN GENERAL.—Before March 31 of each fiscal year, the Governor of a State receiving funds under section 1933 shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the States' use of the funds received under section 1933 for the preceding fiscal year.

"(2) REQUIREMENTS OF REPORT.—The report submitted under paragraph (1) shall—

"(A) include information on the programs, activities, and services supported or provided with the funds received by the State under section 1933; and

"(B) be made public in the State in a manner that will facilitate comment by persons desiring to do so.

##### "SEC. 1935. APPLICATIONS FOR GRANTS BY ENTITIES.

"(a) APPLICATION.—In order to receive a grant from a State under section 1934, an eligible entity shall submit an application to the State that—



"(1) describes the project that the entity is seeking the grant for; and

"(2) contains assurances that project will meet the requirements of subsection (b).

"(b) REQUIREMENTS.—An application submitted under subsection (a) shall—

"(1) provide assurances that the submitting entity will use the funds provided under the grant in accordance with the purpose and requirements of this part;

"(2) provide assurances that each family participating in a child care program assisted under this part will be assessed fees in an amount that is proportional to the annual income of the family;

"(3) specify provisions for parental involvement in the project; and

"(4) provide assurances that the project will meet the quality standards established by the State for accreditation or licensing.

"(c) FUNDING REQUIREMENT.—An eligible entity receiving a grant under this part shall be required to fund at least 10 percent, but no more than 50 percent, of the project cost with non-Federal funds. The non-Federal funding may be in cash or in-kind based on fair market value.

"(d) PRIORITY.—In making awards under this part, a State shall give priority to projects that will continue to carry out the purposes of the Child Care Services Improvement Act of 1987 without having to use Federal funds.

#### "SEC. 1936. CHILD CARE ADVISORY COUNCIL.

"(a) ESTABLISHMENT.—The Governor of each State shall establish an advisory council on child care that shall consist of representatives of—

"(1) community-based organizations;

"(2) local governments;

"(3) social services agencies;

"(4) religious organizations;

"(5) educational institutions;

"(6) business organizations;

"(7) parents; and

"(8) child care providers.

"(b) DUTIES OF COUNCIL.—The advisory council created under subsection (a) shall—

"(1) advise the Governor on the use of funds available to the State under this part;

"(2) develop separate standards for accreditation or licensing of family-based child care providers and group child care providers participating in programs assisted under this part that shall include minimum competencies for child care workers and supervisors; and

"(3) recommend methods of inspection and certification to administer the accreditation or licensing standards established under paragraph (2).

#### "SEC. 1937. APPLICABLE PROVISIONS OF PART B.

"Except where inconsistent with this part, sections 1914(b), 1917(b)(1) through (5), 1918, 1919, and 1920 shall apply to this part in the same manner as such sections apply to part B of this title.

#### "SEC. 1938. DEFINITION.

"For purposes of this part, each State shall determine the age that children shall become eligible to participate in programs established or benefited under the Child Care Services Improvement Act of 1987."

#### SEC. 102. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 6 months after the date of enactment of this Act.

### TITLE II—CHILD CARE LIABILITY

#### PART A—CHILD CARE LIABILITY REFORM

##### SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the term "child care provider" includes family-based, on-site, and group child care

providers licensed or accredited pursuant to State or local law or standards, in which care is provided children by an individual child care provider;

(2) the term "family based child care" means child care located in or on the site of the principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person who is self-employed as a child care provider, and the children cared for in such facility shall include children who are not the children of such provider;

(3) the term "group child care center" means a child care provider which is a private profit or nonprofit corporation, not located in the principal residence, and includes on-site child care;

(4) the term "in-home child care" means child care which is provided in a principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person and to which an outside individual child care provider comes, either for specified hours of the day or on a live-in basis, to provide care for the children of such residence;

(5) the term "on-site child care center" means a child care facility—

(A) operated by an employer for the care of children, at least 30 percent of whom are dependents of employees of such employer, and

(B) located on or near the business premises of such employer;

(6) the term "person" means an individual, corporation, company, association, firm, partnership, society, or any other entity;

(7) the term "Secretary" means the Secretary of Health and Human Services; and

(8) the term "State" means any State of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other possession or territory of the United States.

##### SEC. 202. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), (c), or (d), the provisions of this part shall apply to any civil action, in any State or Federal court, against any child care provider, as defined in this title, licensed or accredited pursuant to State or local law or standards, and to in-home child care if the individual providing such child care is licensed or accredited pursuant to State or local law or standards, based on any cause of action, including negligence and professional malpractice, in which damages are sought for physical injury or for physical or mental pain or suffering or for property damage.

(b) EXCEPTION FOR INTENTIONAL TORTS.—This part shall not apply to any civil action for an intentional tort.

(c) PREEMPTION.—The provisions of this part shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this part. Any issue arising under the provisions of this part that is not governed by the provisions of this part shall be governed by applicable State or Federal law.

(d) DEFENSES NOT AFFECTED.—Nothing in this part shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of chapter 97 of title 28, United States

Code, known as the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

##### SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) of this section, joint and several liability may not be applied to any action subject to this title. A person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro-rata share of fault or responsibility for the injury, and may not be found liable for damages attributable to the pro-rata share of fault or responsibility of any other person (without regard to whether such person is a party to the action) for the injury, including any person bringing the action.

##### (b) CONCERTED ACTION.—

(1) EXCEPTION FROM APPLICATION.—This section shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) CONCERTED ACTION DEFINED.—As used in this section, "concerted action" or "acting in concert" means the conscious acting together in a common scheme or plan of two or more persons resulting in a tortious act.

##### SEC. 204. COLLATERAL SOURCE OF COMPENSATION.

(a) REDUCTION OF AWARD.—Any award of damages to a person in a civil action to which the provisions of this part apply shall be reduced by the court by an amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

(b) PAYMENT OR BENEFITS DEFINED.—As used in this section, "payment or benefit covered by this section" means—

(1) any payment or benefit by or paid for in whole or in part by any agency or instrumentality of the United States, a State, or a local government; or

(2) any payment or benefit by a health insurance program funded in whole or in part by an employer; but does not include any such payment or benefit that is (or by law is required to be) the subject of a reasonably founded claim of subrogation, reimbursement, or lien.

##### SEC. 205. STATUTE OF LIMITATIONS.

A civil action against a child care facility or child care provider, which is brought pursuant to the provisions of this title, shall be forever barred unless such action is commenced within 2 years after the date the cause of action first accrues.

##### SEC. 206. LIABILITY FOR NONPROFIT ORGANIZATIONS.

(a) LIABILITY OF SEPARATE CORPORATION.—Any—

(1) nonprofit organization described in subsection (c) or (d) of section 501 of the Internal Revenue Code of 1986 which is exempt from taxes pursuant to such Code;

(2) corporation which is controlled by or closely identified with a religious organization, which (A) qualifies as an exempt organization pursuant to section 501(c) of the Internal Revenue Code of 1986 and (B) op-

erates exclusively for the purpose of providing child care services; or

(3) day or residential school which provides education, as determined under State law, which provides child care shall not be liable for any such child care provider or facility if such provider or facility is a separate corporation or organization.

(b) APPLICATION NOT AFFECTED.—The provisions of subsection (a) shall not be construed to affect the application of the provisions of this part to any such child care provider or facility.

(c) EXPEDITED INCORPORATION.—The Congress recognizes that the entities described in subsection (a) are making a significant contribution to society and in recognition of the benefits they provide, the Congress encourages the States to establish an expedited and simplified procedure whereby any such entity will be able to inexpensively and quickly separately incorporate as a child care provider.

## PART B—CHILD CARE LIABILITY INSURANCE POOL

### SEC. 210. PURPOSE.

It is the purpose of this part to—

(1) increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

### SEC. 211. FORMATION OF GROUP.

(a) ESTABLISHMENT OF POOL.—Any State may permit, or provide for the establishment of a child care liability insurance pool, as defined in this title, whose members are child care providers who are licensed or accredited pursuant to State or local law or standards.

(b) CHILD CARE LIABILITY INSURANCE POOL DEFINED.—For purposes of this section, "child care liability insurance pool" means any corporation or other limited liability association—

(1) whose primary activity is to assume and spread all, or any portion of the liability exposure of its members;

(2) which is organized primarily to conduct the activity described in paragraph (1);

(3) which is chartered or licensed as a liability insurance company under the laws of a State and authorized to engage in the business of insurance under the laws of such State;

(4) which does not exclude any person from membership in the pool solely to provide a competitive advantage, for members of such a pool, over such a person;

(5) which—

(A) has as its owners only persons who comprise the membership of the liability insurance pool and who are provided insurance by such pool; or

(B) has as its sole owner an organization which has as—

(i) its members only persons who comprise the membership of the liability insurance pool; and

(ii) its owners only persons who comprise the membership of the liability insurance pool and who are provided insurance by such pool;

(6) whose activities are limited to the provision of—

(A) liability insurance for assuming and spreading all or any portion of the similar or related liability exposure of its members; and

(B) reinsurance with respect to the similar or related liability exposure of any risk retention group, as such term is defined in the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901), or any member of such other group, which is engaged in businesses or activities so that such group, or member, meets the requirement described in this subsection for membership in the liability insurance pool which provides such reinsurance; and

(7) the name of which includes the phrase "Child Care Liability Insurance Pool".

### SEC. 212. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this title, there are authorized to be appropriated \$100,000,000 for fiscal year 1988.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1988, 1989, and 1990 without limitation.

### SEC. 213. ALLOTMENT.

(a) RESERVATION FOR TERRITORIES.—From the sums appropriated to carry out the provisions of this part in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) ADMINISTRATIVE COSTS.—Of the amount appropriated pursuant to section 212, an amount not to exceed 3 percent shall be reserved and available to the Secretary to provide for the administrative costs of carrying out the provisions of this part.

### (c) ALLOTMENT FORMULA.—

(1) METHOD OF ALLOTMENT.—From the sums appropriated under section 212 minus the amounts reserved pursuant to subsections (a) and (b), the Secretary shall allot such remainder to each State not covered by subsection (a) the remainder based on the number of children who have not attained the age of 12 in the State to the number of children who have not attained the age of 12 in all States.

(2) DATA FOR DETERMINATION.—The Secretary shall obtain the most recent data and information necessary to determine the allocation amounts provided for in paragraph (1), from the appropriate departments and agencies.

(d) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to section 212, an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

### SEC. 214. STATE APPLICATIONS.

(a) APPLICATIONS.—To qualify for assistance under this part, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including a State plan which meets the requirements of subsection (b) of this section.

### (b) STATE PLANS.—

(1) LEAD AGENCY.—The plan shall identify the lead agency which has been designated and that is to be responsible for the administration of funds provided under this part.

(2) PARTICIPANTS IN POOL.—The plan shall provide that all participants in the child care liability insurance pool are child care providers who are licensed or accredited pursuant to State or local law or standards.

(3) USE OF FUNDS.—The plan shall provide that the State shall use at least the amount allotted to the State in any fiscal year to es-

tablish or maintain a liability insurance pool for child care providers.

(4) CONTINUATION OF POOL.—The plan shall set forth provisions which specify how any such liability insurance pool will continue to be financed after fiscal year 1990, such as through contributions by the State or by members of such pool.

### SEC. 215. FEDERAL ENFORCEMENT.

(a) REVIEW OF PLANS.—The Secretary of Health and Human Services shall review and approve State plans submitted in accordance with this part and shall monitor State compliance with the provisions of this part.

(b) FINDING OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State, or

(2) that there is a failure to comply substantially with any applicable provision of this part,

the Secretary shall notify such State of the findings and that no further payments may be made to such State under this part until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

### SEC. 216. PAYMENTS.

(a) ENTITLEMENT.—Each State having a plan approved by the Secretary under this part shall be entitled to payments under this section for each fiscal year in an amount not to exceed its allotment under section 212 to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, subject to the requirement of section 214, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under section 212 for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

## TITLE III—REVOLVING LOAN FUND

### SEC. 301. PURPOSE.

It is the purpose of this part to—

(1) increase the availability of family-based child care by enabling family-based child care providers to meet accreditation or licensing standards; and

(2) provide States with a sufficient capital base to make loans that may be increased or maintained through mechanisms developed by the State

### SEC. 302. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this title, there are authorized to be appropriated \$25,000,000 for fiscal year 1988.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1988, 1989, and 1990 without limitation.

### SEC. 303. ALLOTMENT.

(a) RESERVATION TO TERRITORIES.—From the sums appropriated to carry out the provisions of this title in any fiscal year, the Secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana



Islands, to be allotted in accordance with their respective needs.

(b) **ADMINISTRATIVE COSTS.**—Of the amount appropriated pursuant to section 301, an amount not to exceed 3 percent shall be reserved and available to the Secretary to provide for the administrative costs of carrying out the provisions of this title.

(c) **ALLOTMENT FORMULA.**—

(1) **METHOD OF ALLOTMENT.**—From the sums appropriated under section 301 minus the amounts reserved pursuant to subsections (a) and (b), the Secretary shall allot such remainder to each State not covered by subsection (a) the remainder based on the number of children who have not attained the age of 12 in the State to the number of children who have not attained the age of 12 in all States.

(2) **DATA FOR DETERMINATION.**—The Secretary shall obtain the most recent data and information necessary to determine the allocation amounts provided for in paragraph (1), from the appropriate departments and agencies.

(d) **STATE ADMINISTRATIVE COSTS.**—Of the amount allotted to a State pursuant to section 302, an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

**SEC. 304. STATE APPLICATIONS.**

(a) **SUBMISSION OF APPLICATION.**—

(1) **FORM OF APPLICATION.**—The Governor of a State desiring to obtain funds pursuant to this section shall submit an application to the Secretary, at such time, in such manner, and providing such information as the Secretary may require, including a plan which meets the requirements of paragraph (2).

(2) **QUALIFYING FOR LOAN.**—The State shall submit a plan which sets forth procedures and requirements whereby any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) in order to become a licensed or accredited family-based child care facility, pursuant to State or local law or standards, may obtain a loan from the State revolving loan fund (hereinafter called the "fund"). Such fund shall be administered by the State and shall provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, which is not in excess of \$1,500.

(b) **STATE PLAN.**—

(1) **ESTABLISHMENT OF FUND.**—The State shall provide in its plan, that such State has established a revolving loan fund, and has provided procedures whereby—

(A) moneys are transferred to such fund to provide capital for making loans;

(B) interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such fund are deposited into such fund;

(C) all loans, expenses, and payments pursuant to the operation of this title are paid from such fund;

(D) loans made from such fund are made to qualified applicants for capital improvements to be made so that such applicant may obtain a State or local accreditation or a license for a family-based child care facility; and

(E) the plan shall set forth provisions which specify how any such revolving loan fund will continue to be financed after fiscal year 1990, such as through contributions by the State or by some other entity.

(2) **QUALIFICATIONS.**—Such plan shall also set forth procedures and guidelines to carry

out the purposes of this title, including provisions which will assure that only applicants who obtain a license or accreditation for a child care facility in accordance with the provisions of State or local law or standards, benefit from loans made available pursuant to the provisions of this title.

**TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986**

**SEC. 401. SHORT TITLE.**

This title may be cited as the "Child Care Facility Tax Incentive Act of 1987".

**SEC. 402. CREDIT FOR EMPLOYERS PROVIDING QUALIFIED CHILD CARE FACILITIES.**

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

**"SEC. 43. QUALIFIED EMPLOYER-PROVIDED CHILD CARE FACILITY CREDIT.**

"(a) **IN GENERAL.**—For purposes of section 38, the qualified child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified child care expenses for such taxable year.

"(b) **LIMITATION.**—The amount of the credit determined under subsection (a) for any taxable year shall not exceed \$\_\_\_\_\_.

"(c) **DEFINITIONS.**—For purposes of this section—

"(1) **QUALIFIED CHILD CARE EXPENSES.**—The term 'qualified child care expenses' means any amount paid or incurred by an employer during the taxable year to acquire, construct, maintain, or operate a qualified child care facility.

"(2) **QUALIFIED CHILD CARE FACILITY.**—

"(A) **IN GENERAL.**—The term 'qualified child care facility' means a facility—

"(i) operated by an employer for the care of enrollees, at least 30 percent of whom are dependents of employees of such employer,

"(ii) located on or near the business premises of such employer, and

"(iii) which is accredited or licensed to operate as a child care facility under applicable State and local laws and regulations.

"(B) **MULTIPLE EMPLOYERS.**—In the case of a facility operated by more than 1 employer, such facility shall be treated as a qualified child care facility of each employer with respect to which the requirements of subparagraph (A) are met separately.

"(d) **BASIS ADJUSTMENTS.**—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) **SPECIAL RULES.**—For purposes of this section—

"(1) **ALLOCATION IN CASE OF MULTIPLE EMPLOYERS.**—In the case of employers to which subsection (c)(2)(B) applies, the amount of credit allocable to each such employer shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(2) **PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.**—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) **ALLOCATION IN THE CASE OF PARTNERSHIPS.**—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary."

(b) **CONFORMING AMENDMENTS.**—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the qualified child care facility credit determined under section 43."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Qualified employer-provided child care facility credit."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

**SEC. 403. CERTAIN EARNINGS FROM THE PROVISION OF CHILD CARE SERVICES EXCLUDED FROM SELF-EMPLOYMENT TAXES, ESTIMATED TAXES, AND WITHHOLDING.**

(a) **SELF-EMPLOYMENT TAXES.**—Section 1402 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(k) **SPECIAL RULES FOR INCOME FROM FAMILY-BASED AND IN-HOME CHILD CARE SERVICES.**—For purposes of this chapter—

"(1) **IN GENERAL.**—Except as provided in this subsection—

"(A) any earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services shall be treated as gross income derived by an individual from a trade or business carried on by such individual; and

"(B) except in the case where an individual elects not to have this subparagraph apply, no tax shall be imposed under section 1401 on net earnings from self-employment attributable to services described in subparagraph (A).

"(2) **SPECIAL RATE; COLLECTION OF TAX.**—If an individual elects not to have paragraph (1)(B) apply—

"(A) the rate of tax under subsection (a) or (b) shall be equal to one-half of the rate determined without regard to this paragraph, and

"(B) such tax shall be collected annually.

"(3) **QUALIFIED FAMILY-BASED OR IN-HOME CHILD CARE SERVICES.**—For purposes of this subsection—

"(A) **IN GENERAL.**—The term 'qualified family-based or in-home child care services' means child care services provided to a child at a family-based or in-home child care facility.

"(B) **FAMILY-BASED CHILD CARE FACILITY.**—The term 'family-based child care facility' means a facility—

"(i) which is located in (or on the site of) the principal residence of the taxpayer (within the meaning of section 1034),

"(ii) which is owned and operated by a self-employed individual (within the meaning of section 401(c)(1)), and

"(iii) which is accredited or licensed as a child care facility under applicable State and local laws and regulations.

"(C) **IN-HOME CHILD CARE FACILITY.**—The term 'in-home child care facility' means the principal residence (within the meaning of section 1034) of the child to whom child care services are being provided."

(2) **AMENDMENT TO SOCIAL SECURITY ACT.**—Section 209 of the Social Security Act is amended by striking out "or" at the end of

subsection (r), by striking out the period at the end of subsection (s) and inserting in lieu thereof "or", and by adding after subsection (s) the following new subsection:

"(t) Any payment to an individual for qualified family-based or in-home child care services (within the meaning of section 1402(k)(3) of the Internal Revenue Code of 1986), unless the individual elects to treat such payment as subject to tax under section 1401 of such Code."

(b) **WAGE WITHHOLDING NOT REQUIRED.**—Section 3401(a) of such Code (defining wages) is amended by striking out "or" at the end of paragraph (19), by striking out the period at the end of paragraph (20) and inserting in lieu thereof "or", and by adding after paragraph (20) the following new paragraph:

"(21) for qualified family-based or in-home child care services (within the meaning of section 1402(k)(3))."

(c) **EXEMPTION FROM ESTIMATED TAX.**—Section 6654(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) **UNDERPAYMENT ATTRIBUTABLE TO INCOME FROM DAY CARE SERVICES.**—No addition to tax shall be imposed under subsection (a) with respect to any underpayment attributable to earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services (within the meaning of section 1401(k)(3))."

(d) **EFFECTIVE DATES.**—

(1) The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, 1987.

(2) The amendments made by subsection (b) shall apply to remuneration paid after December 31, 1987.

#### SEC. 404. CAFETERIA PLANS REQUIRED TO PROVIDE CHILD CARE OPTION.

(a) **IN GENERAL.**—Paragraph (1) of section 125(c) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end thereof the following new sentence:

"A plan shall not be treated as a cafeteria plan unless it provides an option to choose benefits under a dependent care assistance program (within the meaning of section 129(d))."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to plan years beginning after December 31, 1987.

#### SEC. 405. ADDITIONAL PERSONAL EXEMPTION FOR MOTHER REMAINING HOME WITH NEWBORN CHILD.

(a) **IN GENERAL.**—Section 151(c) of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end thereof the following new paragraph:

"(6) **ADDITIONAL EXEMPTION FOR NEWBORN CHILDREN WHERE MOTHER DOES NOT WORK.**—

"(A) **IN GENERAL.**—An exemption of the exemption amount for each dependent (as defined in section 152) who is a child of the taxpayer who attains the age of 6 months during the taxable year, but only if the mother of the child has no earned income (within the meaning of section 911(d)(2)) during the period between the child's birth and the child attaining age 6 months.

"(B) **INCOME LIMITATION.**—Subparagraph (A) shall not apply to any taxpayer if the adjusted gross income of the taxpayer for the taxable year exceeds 150 percent of the poverty level (adjusted for family size) for the calendar year in which the taxable year begins."

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

#### SEC. 406. INDIVIDUAL RETIREMENT ACCOUNTS FOR HOMEMAKERS.

(a) **REPEAL OF LIMITATION ON AMOUNT WHICH MAY BE CONTRIBUTED.**—Paragraph (2) of section 219(c) of the Internal Revenue Code of 1986 (relating to special rules for certain married individuals) is amended by striking out "\$2,250" in subparagraph (A)(i) thereof and inserting in lieu thereof "\$4,000".

(b) **DEDUCTION MAY BE ALLOWABLE EVEN IF SPOUSE IS ACTIVE PARTICIPANT.**—Paragraph (1) of section 219(c) of such Code is amended by inserting "(without regard to subsection (g))" after "subsection (a)".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. CONRAD (for himself and Ms. MIKULSKI):

S. 1682. An act to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site to the Committee on Energy and Natural Resources.

#### AUTHORIZATION FOR INCREASE IN APPROPRIATIONS FOR THE SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE

● Mr. CONRAD. Mr. President, I am introducing legislation today to ensure the continued maintenance of the Sewall-Belmont House National Historic Site, in Washington, District of Columbia. My colleague from Maryland, Ms. MIKULSKI, joins me in this effort.

Although the building is officially designated as part of the National Park Service monument system, funding for upkeep and maintenance of the building will run out at the end of this fiscal year. The authorization contained in the 1974 Act (Public Law 93-486) which designated the House as a National Historic Site, provided \$500,000 for restoration and maintenance. Now that this limit has been reached, I am proposing to raise the \$500,000 cap to \$1,500,000 to assure that the National Park Service has authority to continue to maintain this building. A similar measure has been introduced in the House by Representative LINDY BOGGS.

The Sewall-Belmont House, which was designated a national monument by the National Park Service in 1972, has a unique place in our country's history. It has served since 1929 as the headquarters of the National Woman's Party, founded by Alice Paul, a leading advocate and activist in the Women's Rights Movement. Ms. Paul's enthusiasm and efforts were instrumental in securing passage in 1919 of the constitutional amendment granting women the right to vote, as well as ratification of the amendment in 1920. From this building, Alice Paul subsequently coordinated the push for another constitutional amendment to insure complete equality for women, a campaign which continues today.

The House is a living tribute to Ms. Paul's activities to eliminate discrimination against women. It contains furniture, books, and art objects which represent the contributions and efforts which women have made in the development of this Nation, and is open for public tours.

The House is also historically significant as the residence of Albert Gallatin, Secretary of the Treasury under Presidents Jefferson and Madison, and is believed to be the site of the only active resistance to the British Army's attack on the Capitol in 1814 after the Battle of Bladensburg. The property is part of land granted to the Second Lord Baltimore by King Charles. The tract was divided several times, and much of the land was ceded to the United States as a site for the new Capitol.

This wonderful historic building is an important part of our national heritage which deserves to be maintained for future generations to visit and enjoy. We urge our colleagues to join us in working for swift passage of this legislation, so that the National Park Service has the authorization to continue funding the maintenance costs of the Sewall-Belmont House.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1682

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AMENDMENTS.

(a) **INCREASE IN THE AUTHORIZATION OF APPROPRIATIONS.**—Section 204 of Public Law 93-486 (88 Stat. 1463) relating to the Sewall-Belmont House National Historic Site is amended by striking "\$500,000" and inserting "\$1,500,000".

(b) **TECHNICAL AMENDMENTS.**—Title II of Public Law 93-486 (88 Stat. 1463) is amended—

(1) in section 202 by striking "101 of this Act" and inserting "201 of this title"; and

(2) in section 204 by striking "Act" and inserting "title".

#### SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1987.●

By Mr. McCLURE:

S. 1683. A bill to amend the Farm Credit Act of 1971 to assist Farm Credit System borrowers, to establish an agricultural secondary market, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### FARM CREDIT ACT AMENDMENTS

● Mr. McCLURE. Mr. President, it is time that Congress takes action to deal with what has become a very critical issue to American farmers and ranchers. The issue is one which we in Congress have visited twice in as many years—how to deal with the enormous



losses which are crippling the largest agricultural lender in the United States—the Farm Credit System.

The farm problems facing this country are affecting all entities which provide financing to rural America. Rural banks, insurance companies, Federal land banks, production credit associations, and the Farmers Home Administration have all found themselves with an increasing number of problem loans, nonaccrual loans, and loan losses.

Declining profitability in agriculture is the basic problem facing farmers and ranchers. With the decline in net farm income starting in the early 1980's, farmland values have declined every year since their peak in 1982. In my district, the 12th farm credit district located in Spokane, WA, land values have declined over one-third from their 1982 peak. I believe that we are near, but not yet at the bottom of the land value decline. The drop in value will not stop until agricultural earnings either pay for the land or other factors, such as purchase by investors or long-term debt restructuring by lending institutions, provides a price floor.

Farm bankruptcies, loan delinquencies, and foreclosures have increased annually thus increasing the stress on agricultural lenders. Because the Farm Credit System is the Nation's largest agricultural lender and by statute must lend only to agriculture, its fortunes have followed the farmer downhill. Production credit associations and Federal land banks are in more serious trouble because they do not have consumer lending and non-agricultural commercial business to offset their agricultural portfolio.

System banks fortunes mirror the distress in our farming areas today. For instance, in the 12th District, bankruptcies of Federal land bank borrowers increased districtwide from 66 in 1982 to 385 in 1986. Federal land bank delinquencies increased from 1,766, or 4.2 percent of total loans in 1982 to 3,759, or 11.1 percent of total loans in 1986. Loans called for foreclosure increased from 141 to 454 during the same time period.

Another measure of declining repayment capacity is the increase in adversely classified loans. Spokane's Federal land bank adversely classified loans increased over 350 percent from December 31, 1983, to December 31, 1986.

Not all of the problem is confined to the Federal land banks. Production credit associations have had their problems also. The Spokane Federal intermediate credit bank received \$135 million in financial assistance in 1985 through the sale of nonperforming loans to the Farm Credit Capital Corporation. This assistance was in the form of a loan participation and

nearly \$90 million has been repaid to the contributing banks.

Even with this assistance, the Spokane Federal intermediate credit bank continues to show signs of financial stress. Decline in loan volume and the total number of loans continues unchecked. The 12th District also shows a serious decline in loan quality. Since 1982, short-term PCA loan volume declined from a high of \$1.8 billion loaned to 18,000 farmers, down to the current level of \$500 million loaned to 7,000 borrowers.

The 12th District is not operating in a vacuum. System-wide losses are similar in all but perhaps two or three districts. The System's problems are the same as the 12th District's: large amounts of nonearning assets, excessive administrative expenses, outstanding high priced debt, and an inability to deal well with its problems.

These problems have caused Congress to deal with the Farm Credit Act on two previous occasions but legislative changes have not yet provided a solution. That is why I am today introducing this bill which adds to other efforts to deal with the Farm Credit System's problems. My bill is similar in some instances and different in some areas from bills introduced thus far. I have crafted it to deal mainly in four areas, two of which have not been dealt with thus far in legislation introduced.

The first area of concern to me is providing a guarantee of borrower stock. This is especially critical to keep those borrowers who currently are in the System from leaving. Many loans have been paid off and borrowers leave the System for other lenders because they are unsure of the ability of the system banks to pay off their stock at par. My bill would guarantee that stock would be paid at par through the issuance of notes, issued at Treasury rates, for the par value of the stock. A farmer wishing to redeem his stock would go to his local association and would be given his stock at par value if the local association had the funds available. If not the association would issue a note to the farmer which would be paid by the FCA. This legislation would provide for payment at par for stock of an association that was frozen, impaired, or retired at less than par value after January 1, 1983. These notes would be redeemed by the FCA if the issuing association was unable financially to do so.

Second, this legislation would provide for an interest rate write-down directly to the farmer. The secretary of Agriculture is directed to issue generic certificates redeemable for commodities owned by the Government to offset any loss incurred by the institution which is a result of a reduction in interest rates charged to a borrower. Certificates would be issued to offset the costs of interest rate write-downs

of not less than 8 percent for not longer than 5 years. The total amount of certificates could not exceed \$2 billion. I believe that this is critically necessary—to provide direct interest rate relief to those farmers who are most in need. This legislation is designed to direct the attention of the System toward restructuring of loans and away from liquidation and foreclosure. This is one way of providing assets to the System using assets which the Federal Government already owns. As of August 1, 1987, the Federal Government had over \$6 billion in commodities which it is storing at taxpayer expense. I believe that these should be used in a constructive way. Using it to help farmers obtain interest rate relief is one constructive way.

The third point of my bill deals with waivers of territory for borrowers whose loan applications are turned down by an association. If a borrower's application for a loan is denied by the local association, that borrower should be able to reapply to the next nearest association. I believe that in certain instances this will help keep borrowers in the System, by allowing them to apply to another association which may be financially stronger thus allowing them to take a little more risk. This will also be similar to the change in Farmers Home Administration regulations Congress passed earlier allowing FMHA borrowers to go to different county offices if they had a personality conflict in their local office.

The final section of my bill is very similar to previously introduced bills. It creates a secondary market for agriculture loans. I believe that farmers will benefit in the long run from having competition in the long-term agriculture loan market. Part of the current problems could have been avoided if another source of long-term agriculture mortgage credit had been available to farmers in the 1970's and 1980's. The secondary market, if functioning will provide competition for the System and moderate the concentration of risk in any one institution.

A secondary market for agricultural mortgages will give lenders needed liquidity to continue to provide long-term agricultural credit at competitive rates to qualified borrowers. To date, farm mortgages have not been pooled and packaged into securities to any substantial degree and as a result no major secondary market has developed for buying and selling farm mortgages. With the assistance of Federal initiatives, the secondary market concept has worked well for other long-term mortgage investments such as residential mortgages. I believe that it will also work well in agricultural mortgages, providing needed liquidity to agricultural banks and others. I believe that it is time for agriculture to have a

secondary market, thus I have included authorization for a secondary market in this legislation.

I am encouraged by the actions Congress is now taking on this problem of aid to the Farm Credit System. I hope that next week as the subcommittee begins markup on a bill, they will take these issues into consideration and incorporate them into the bill which, I hope, will move steadily through Congress. ●

#### ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 38

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 38, a bill to increase the authorization of appropriations for the Magnet School Program for fiscal year 1987 to meet the growing needs of existing Magnet School Programs, and for the establishment of new Magnet School Programs.

S. 58

At the request of Mr. DANFORTH, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 270

At the request of Mr. HUMPHREY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 604

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 627

At the request of Mr. PELL, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 627, a bill to authorize grants to states to enable States and local educational agencies to meet priority edu-

cational needs in the areas of school dropouts, programs to combat illiteracy, programs for the gifted and talented, for basic skills instruction for secondary school students, and for school library resources, and for other purposes.

S. 724

At the request of Mr. FORD, the name of the Senator from Florida [Mr. CHILES] was added as a cosponsor of S. 724, a bill to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes.

S. 756

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. PELL], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. REID], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 756, a bill to ensure the amounts paid for home improvements to mitigate indoor air contaminants such as radon gas qualify for the tax deduction for medical care expenses.

S. 808

At the request of Mr. MCCLURE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 808, a bill to clarify the application of the Clayton Act with respect to rates, charges, or premiums filed by a title insurance company with State insurance departments or agencies.

S. 830

At the request of Mr. STAFFORD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 830, a bill to clarify the treatment of certain education loans in bankruptcy proceedings.

S. 934

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 934, a bill to authorize payments to States to assist in improving the quality of child-care services.

S. 970

At the request of Mr. HARKIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 970, a bill to authorize a research program for the modification of plants focusing on the development and production of new marketable industrial and commercial products, and for other purposes.

S. 1006

At the request of Mr. HECHT, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1006, a bill entitled the "Geothermal Steam Act Amendments of 1987."

S. 1109

At the request of Mr. HARKIN, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1109, a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1181

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAU] was added as a cosponsor of S. 1181, a bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority to determine levels of pay for administrative law judges be transferred to the Commissions on Executive, Legislative, and Judicial Salaries.

S. 1225

At the request of Mr. CRANSTON, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1225, a bill to amend the Immigration and Nationality Act to permit the installment payment of fees required for the legalization of aliens.

S. 1325

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1325, a bill to require the Secretaries of Agriculture and Health and Human Services to enforce certain food labeling requirements for packaged foods sold by certain restaurants.

S. 1397

At the request of Mr. CRANSTON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1397, a bill to recognize the Officers of Association of the United States of America.

S. 1461

At the request of Mr. HECHT, the name of the Senator from Nevada [Mr. REID], was added as a cosponsor of S. 1461, a bill to convey certain lands to the YMCA of Las Vegas, NV.

S. 1469

At the request of Mr. BOSCHWITZ, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Utah [Mr. HATCH], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1469, a bill to amend title VII of the Social Security Act to restrict the use of "Social Security" or "Social Security Administration" on goods not connected with such Administration.

S. 1485

At the request of Mr. FORD, the name of the Senator from Illinois [Mr. SIMON], was added as a cosponsor of S. 1485, a bill to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes.



S. 1501

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM], was added as a cosponsor of S. 1501, a bill to amend title 38, United States Code, to eliminate the requirement that the Administrator of Veterans' Affairs carry out a transition under which community-based vet centers would be moved to Veterans' Administration medical facilities and to provide standards and procedures governing any closures or moves of vet centers, and for other purposes.

S. 1511

At the request of Mr. MOYNIHAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. HARKIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance, benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organization renewal.

S. 1572

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1572, a bill to create a National Education Savings Trust; to prescribe the powers and duties of the trust and of its board of trustees; to provide for advance tuition payment plan agreements; to establish an advance tuition payment fund and to provide for its administration, and for other purposes.

S. 1575

At the request of Mr. KENNEDY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to establish a grant program to provide for counseling and testing services relating to acquired immune deficiency syndrome and to establish certain prohibitions for the purpose of protecting individuals with acquired immune deficiency syndrome or related conditions.

S. 1587

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cospon-

sor of S. 1587, a bill to authorize the minting of commemorative coins to support the training of American athletes participating in the 1988 Olympic games.

S. 1620

At the request of Mr. PELL, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1620, a bill to reauthorize and revise the act of September 30, 1950 (Public Law 874, 81st Congress) relating to Federal impact aid, and for other purposes.

## SENATE JOINT RESOLUTION 38

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

## SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the names of the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. SYMMS], the Senator from Michigan [Mr. RIEGLE], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

## SENATE JOINT RESOLUTION 148

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mr. DOLE], the Senator from Michigan [Mr. LEVIN], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. SHELBY], the Senator from Oklahoma [Mr. BOREN], the Senator from Illinois [Mr. DIXON], the Senator from South Dakota [Mr. PRESSLER], the Senator from Missouri [Mr. BOND], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 148, a joint resolution designating the week of September 20, 1987, through September 26, 1987, as "Emergency Medical Services Week."

## SENATE JOINT RESOLUTION 170

At the request of Mr. ROTH, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Texas [Mr. BENTSEN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 170, a joint resolution designating the month of Septem-

ber 1988 as "National Ceramic Arts Month."

## SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

## SENATE RESOLUTION 246

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

## SENATE CONCURRENT RESOLUTION 71—EXPRESSING SUPPORT FOR THE CENTRAL AMERICAN PEACE INITIATIVE

Mr. BYRD (for himself, Mr. DODD, Mr. SANFORD, and Mr. SASSER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

## SENATE CONCURRENT RESOLUTION 71

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica on February 15, 1987, to consider a political framework for peace in Central America, as proposed by President Arias of Costa Rica;

Whereas the presidents of the Central America democracies described the Arias proposal as "a viable, timely and constructive document for achieving peace in Central America through political negotiation;"

Whereas the Government of Costa Rica was asked to convey the Arias proposal to the Government of Nicaragua and to invite the President of Nicaragua to participate in a regional summit conference for the purpose of finalizing negotiations on the Arias initiative;

Whereas on March 12, 1987 the United States Senate considered S. Con. Res. 24, "supporting the initiatives of the Central American heads of state . . . in formulating a regional proposal for bringing an end to the armed conflict in Central America," and subsequently approved this resolution by vote of 97 to 1;

Whereas on July 28, 1987 the House of Representatives debated H. Con. Res. 146, "supporting the initiative of President Oscar Arias Sanchez of Costa Rica to end armed conflict in the Central America and encouraging . . . a negotiated settlement of the conflict in Central America," and thereafter adopted this resolution by unanimous vote;

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias proposal, setting forth specific procedures for the establishment of a "firm and lasting peace in Central America," and now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) that

The United States Congress hereby—  
Congratulates the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on their successful summit

conference of August 6-7, 1987, held in Guatemala City;

Recognizes the signing of the August 7 peace accord as an historic development and an important opportunity for the Presidents of Central America to work together to restore peace and stability to their region;

Urges the parties to the peace accord to implement all of its provisions in good faith; and

Pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

#### SENATE RESOLUTION 282—EXPRESSING SUPPORT FOR PRESIDENT CORAZON AQUINO AND THE GOVERNMENT OF THE PHILIPPINES

Mr. BYRD (for himself, Mr. DOLE, Mr. KENNEDY, Mr. LUGAR, Mr. PELL, Mr. CRANSTON, Mr. MELCHER, Mr. BRADLEY, Mr. MURKOWSKI, Mr. BIDEN, and Mr. METZENBAUM) submitted the following resolution; which was considered and agreed to:

S. RES. 282

Whereas on August 28, 1987, mutinous troops attacked the presidential palace in Manila in an effort to overthrow the Government of the Philippines;

Whereas scores of Filipinos have been killed and over one hundred wounded in the political violence;

Whereas the Filipino armed forces have rallied in support of the President against the mutineers and have crushed the rebellion;

Whereas the insurrection is the fifth such effort to overthrow the Aquino government since the inauguration of President Aquino on February 25, 1987;

Whereas under the leadership of President Aquino, the people of the Philippines have adopted a new Constitution, conducted open elections and undertaken an effort to review the democratic institutions of their nation;

Whereas the Government of the Philippines has made impressive strides in reversing the economic decline of the nation;

Whereas President Aquino currently enjoys the allegiance and support of the Filipino people;

Whereas the international community has expressed renewed support for the leadership of President Aquino;

Whereas the Aquino government confronts a growing Communist insurgency threatening political, economic, and social freedoms and the security of the Philippines;

Whereas the United States Administration has issued a statement of strong support for the Aquino government and democracy in the Philippines and condemned all efforts to destabilize the Government of the Philippines; and

Whereas the Aquino government enjoys the confidence and support of the United States Congress as has been expressed in previous resolutions: Now, therefore, be it

Resolved that the Senate—

(1) congratulates the people of the Philippines and the loyal members of the Philippine military for their commitment to democracy and for their courage and success in crushing the rebellion;

(2) renews its full support for the sustained efforts of President Corazon Aquino

to pursue the development of democratic institutions in the Philippines and stability in the society of the Philippines;

(3) recognizes the overriding importance of defeating the communist insurgency by strengthening the capability and improving the morale and living conditions of the armed forces of the Philippines and supports continued timely and vigorous military assistance to the Government of the Philippines to assist in that effort;

(4) recognizes that economic recovery based on free enterprise principles is crucial to the attainment of a stable democracy in the Philippines and supports continued economic assistance aimed at building a strong and vibrant economy;

(5) calls attention to all persons or groups seeking the violent overthrow of the Government of the Philippines to current United States law which requires suspension of fiscal year 1987 military or other assistance if a duly elected Head of Government is deposed by military coup or decree; and

(6) urges the government to redouble its efforts to address the problems of corruption within the government;

(7) urges the Secretary of State to direct the United States Ambassador to the Philippines to make every effort to communicate the contents of this resolution to all Filipino citizens and to all sectors of Philippine society.

#### SENATE RESOLUTION 283—RELATING TO THE PROPOSED INF AGREEMENT

Mr. QUAYLE (for himself and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 283

Whereas the proposed INF agreement plans to eliminate all nuclear missiles between the ranges of 300 and 3500 miles may or may not be sufficiently verifiable to eliminate uncertainties about Soviet compliance due to the difficulty of detecting the location of mobile launchers and the production and storage of missile spares;

And whereas, NATO targets currently threatened by Soviet INF will continue to be threatened by the Soviet strategic arsenal even if INF are eliminated;

And whereas, the consequences of Soviet cheating on an INF agreement, while itself deplorable and unacceptable, would be less dire for Western security than comparable violations of strategic nuclear weapon accords;

And whereas the proposed INF agreement, is not intended to foreclose non-nuclear deployment options to help NATO counter the increasing conventional threat from the Soviet Union; will not address the conventional imbalance which must be dealt with in the future; will not eliminate the existing shorter range ballistic missile threat (e.g. SS-21, Scud) to critical NATO assets within 300 miles of the border between NATO and the Warsaw Pact;

Be it resolved that the United States Senate believes that the INF treaty in its final form, should state explicitly that the INF verification provisions do not set an automatic precedent for other arms control treaties. The verification provisions of each future treaty must stand on its own merits; and should not prohibit non-nuclear responses such as land-based, mobile conventional cruise missiles, including those with ranges greater than 300 miles, and should

not infringe upon present or future non-nuclear arms reduction discussions;

Furthermore be it resolved that the successful conclusion of an INF treaty will not lessen importance of accelerating current efforts to address the Warsaw Pact air threat (including tactical ballistic missiles) to NATO; and implementing existing NATO modernization requirements deemed necessary.

Mr. QUAYLE. Mr. President, I rise to address the INF Treaty on which ongoing negotiations are rapidly coming to a conclusion. We have next Tuesday, on September 15, Secretary Shultz and Foreign Minister Shevardnadze meeting to discuss the final details on the agreements eliminating the intermediate range nuclear weapons. This agreement would result for the first time in the atomic age in an actual reduction in nuclear weapons. This is certainly a laudable objective.

Another laudable objective, Mr. President, is that the reductions will be, as far as warheads are concerned, more for the Soviet Union rather than for the United States, which goes back to an argument that we have had for a period of time that you do not have to have equal reductions to have parity; sometimes you have unequal reductions to get parity. That is a laudable objective in the INF, when and if it is signed.

It shows also we must have patience when we deal with the Soviet Union. We simply cannot say we will have an arms control agreement overnight. We have gone through walkouts and things of that sort. We must have patience, the political will to make a commitment; not only in this country but in other countries. We must have the political will to do what we say we will do, as we did in taking the dual-track approach. Then, in 1978 and 1979, when the SS-20's deployment became apparent as a security threat to Western Europe, we said either the Soviet Union takes out those missiles that have been deployed or we are going to deploy our own.

We called their bluff. They called our bluff. But the political will in 1983 was to deploy Pershing II's and ground-launched cruise missiles and the political will showed the Soviet Union that we, in fact, could deliver through the democratic processes what we said we would deliver. That is not always the case. But it does show if in fact you are going to follow through on what you say you are going to and do not vacillate back and forth that you can achieve meaningful results.

But, as much as we may admire these results, there is a higher objective: safeguarding the security of the United States and deterring war and for this we need to reflect on what the agreement will not address. In fact, this proposed agreement is not going to have any effect on two of our great-



est military problems, the conventional imbalance in Europe and the relentless growth in Soviet strategic nuclear forces. This is the context in which we have to assess the potential INF agreement.

And that is why the details of this INF agreement are so important.

Some might ask, what are the real reasons why Senator SHELBY and I are introducing today a resolution addressing these details. Is it even appropriate to voice reservations about a treaty we haven't seen yet? Is this just a way for some of us, who have been skeptical of arms control in the past, to set up exceptions for this particular treaty that we don't intend to apply to others?

Let me respond directly to these concerns.

If you want to affect the details of this treaty and you want to have an articulation of the views, I believe that now is the time to begin that debate, to talk about it, to look at what has been on the table, what our negotiators are telling us have some input.

I think that, first, I am concerned about a decision that, in fact, would in any way limit some of our military options that we might want to have in the future. At the very core of any of these limitations, one of the discussions that will be going on that I am very concerned about is the resolution and the final disposition of what we are going to do on the long-range, ground-based conventional nonnuclear cruise missile. I do not believe that we, in fact, ought to prejudge what we are going to do on the ground-based nonnuclear conventional cruise missile. Quite frankly, I believe that in the future there will be some military requirements for conventional nonnuclear cruise missiles.

I realize, and I have been battling this for a long time, there is a lot of reluctance among the military services to get on with the cruise missiles.

One of the reasons there is reluctance to get on with the cruise missiles is because, guess what, Mr. President, there is not a man or a woman that flies them. They fly by themselves. You can fly them from the ground. Therefore they do not have a pilot, so to say, that can go in and do the job and come back and get the congratulations, et cetera, et cetera. It is not a platform that a man or woman is going to be on. Therefore, there is this systemic reluctance to move in this area as aggressively as I think we should. Therefore, I would hope that we do not see any kind of relinquishment of a future option that we might want to deploy a conventional nonnuclear cruise missile beyond 500 kilometers, or 300 miles.

But those arguing to foreclose this option perhaps don't know about this possible requirement. General Galvin, the theater commander with the most

to gain or lose from the decision, knows full well the possible military benefits of nonnuclear, conventional cruise missiles.

We are going to eliminate nuclear weapons systems and categories. That is all to the good and the objective certainly promotes stability.

But if we are going to do that, then the next step, I presume, we will be looking at conventional imbalance. Many have talked about looking at a conventional arms control process. Well, ground-launched conventional cruise missiles certainly fall within that area of conventional arms control and what we are going to do on the nonnuclear side.

So, in that context it does not make logical sense to me that when we are talking about the elimination of nuclear weapons we are also going to, at the same time, give up some nonnuclear options that we may want to have.

I dare say if in fact we move forward that there will be a requirement that will be forthcoming concerning the ground-launched cruise missile.

Our long-standing position in Geneva has been that a treaty to limit nuclear weapons should not limit nonnuclear weapons. But there are some who are now arguing that we should abandon that position, that instead we ought to adopt a definition of cruise missiles that would prohibit deployment of any ground-launched system over 300 miles in range that could conceivably be characterized as a cruise missile.

That means we would agree forever not to deploy any conventional ground-launched cruise missile of that range; any remotely-piloted vehicle (even ones for early warning that could provide vital confidence-building information) or any nonnuclear technology that might evolve out of SDI or other advanced research.

We have to ask ourselves what we would gain from giving all this up. Do the Soviets have a competitive advantage in advanced technology that we want them to abandon through arms control? Is there a status quo in Europe that we want to maintain?

Obviously the answer is no. We are the ones with the competitive advantage is nonnuclear delivery technology, in stealth, precision-guided long-range systems. We are the ones who stand to gain from any shift in the balance of forces which will lighten the Soviet shadow over Europe. We need such systems in Europe more than the Soviets do. Many key military targets for NATO lay beyond the 300 mile range allowed under the INF treaty. On the other hand, many of the targets the Soviets would want to hit in Western Europe lie within this same 300 miles range limit. And the Soviets have plenty of systems to cover those targets. Furthermore, whereas NATO needs new precise,

long-range stand-off missiles to penetrate Warsaw Pact air defenses merely to prevent attack, the Soviets do not.

Do we really want to give up without any thought our most potent nonnuclear deep strike options, like those discussed at length in the recent OTA report on NATO's follow-on forces attack concept?

I know General Galvin, our Commander in Chief in Europe, is not ready to give up these options. In fact, he told me that although the requirement for a conventional, ground-launched cruise missile does not now exist, that it may be forthcoming.

My second major concern about this cruise missile decision is the precedent it will set for the START talks. Ambassador Kampleman's recent announcement that the President wants a START agreement before he leaves office is no bluff.

Some may think we can afford to prohibit long-range, ground-launched nonnuclear cruise missiles because we can always resort to sea-launched capability or air-launched capability.

In other words, do not worry about the ground-launch response because we will take care of it by air or by sea.

But let me tell you, agreeing to range limits on conventional GLCM's in INF would set a disastrous precedent for the fate of these systems in START. It would make it very difficult to resist demands to ban nonnuclear ALCMs and SLCMs beyond 600 kilometers. That was the range limit defining ALCMs in the SALT II, and already is the range limit suggested by the Soviets for SLCMs in START.

If we agree to range limits over conventional GLCM's in INF, what is to prevent such limits from being imposed against ALCM's and SLCM's in START? No one has a good answer to this question.

Still, some argue that conventional ground-launched cruise missiles must be banned make the INF treaty verifiable. This brings me to my third major concern.

We will have serious problems verifying this treaty regardless of the decision made on cruise missiles. We do not yet know whether the verification procedures negotiated will be sufficient or not to adequately verify this treaty. But we do know some uncertainties will remain simply because it is impossible to be sure of the number of mobile missile launchers and reloads which now exist in the Soviet arsenal.

We also know that the Soviets have plenty of extra strategic systems that they can retarget to make up for the loss of INF systems. They have the new SS-25 which has the same mobile configuration as the SS-20 and in fact, uses the same facilities. They have the older SS-19, which performed this same function before the 1977 deploy-

ment of the SS-20. And they have the brand new SS-24 mobile missiles, each with 10 warheads which will add many megatons to the already huge strategic arsenal.

So the Soviets do not have much to gain from cheating on INF, because they really have not lost anything.

What concerns me are the precedents that might be set for START. The level of compliance uncertainty which may not concern us in INF, because of the strategic environment, will be totally unacceptable in a START agreement. We simply cannot accept the risk associated with potential covert Soviet deployments of mobile missiles like the SS-24 and SS-25. That is why this resolution states clearly that INF verification provisions cannot be considered as a precedent for any other agreement. The United States must make that clear to the Soviets and to the American people.

Third, I am concerned that the euphoria of an INF treaty might cause us to forget that there will continue to be a Soviet tactical ballistic missile threat to Europe even under this treaty. The Soviets will still have SS-21 and Scud missiles in Europe with nuclear and nonnuclear warheads. And we know they have a Scud upgrade on the way.

This is why this resolution emphasizes the need to continue efforts to improve NATO's air defenses against these and other systems.

Finally, we must recognize that NATO has had nuclear modernization requirements quite apart from INF, that should not be affected by this treaty. General Rogers and his successor General Galvin have made it clear that they still need a follow-on to the Lance battlefield missile, a new air-to-surface missile, and improvements to the survivability of dual-capable aircraft. These requirements are all the more important now.

#### AMENDMENTS SUBMITTED

#### DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

##### GLENN (AND OTHERS) AMENDMENT NO. 678

Mr. GLENN (for himself, Mr. EXON, Mr. BINGAMAN, Mr. BUMPERS, and Mr. MITCHELL) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

#### SEC. —. PROHIBITION AGAINST CERTAIN CONTRACTS

(a) IN GENERAL.—Funds appropriated to or for the use of the Department of Defense for any fiscal year pursuant to an authorization contained in this or any other Act may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract was entered into before the date of the enactment of this Act;

(2) the contract is to be performed within the United States; or

(3) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems.

(d) In this section:

(1) The term "foreign firm" means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term "United States firm" means a business entity other than a foreign firm.

#### DOLE (AND OTHERS) AMENDMENT NO. 679

Mr. WARNER (for Mr. DOLE, for himself, Mr. WARNER, Mr. HELMS, Mr. QUAYLE, Mr. SYMMS, Mr. LUGAR, Mr. GRAMM, and Mr. STEVENS) proposed an amendment to amendment No. 678 proposed by Mr. GLENN (and others) to the bill S. 1174, supra; as follows:

At the end of the amendment add the following:

The United States and the Soviet Union may be on the verge of reaching agreement on Intermediate Nuclear Forces (INF) and are continuing serious negotiations on other issues of vital importance to our national security;

and since,

The September discussions between our Secretary of State and the Soviet Foreign Minister represent the culmination of years of detailed and complex negotiations between our countries that reflect delicate compromises on both sides;

and since,

Chief U.S. negotiator Max Kampelman has announced that he has been instructed by the President to place special emphasis on START talks, now that an INF accord may be close at hand;

Therefore, the Senate declares that:

The Congress of the United States fully supports the President in his negotiations with the Soviet Union.

The Congress recognizes fully the constitutional role of the President as the sole voice of the United States in matters during the delicate course of treaty negotiations; and the Congress must not intrude in this process by acting to constrain a President's flexibility in reaching agreement with foreign nations.

At this critical point, the Congress must not take actions equivalent to unilateral concessions to the Soviet Union on arms controls, and specifically on issues that the Soviets cannot themselves achieve at the negotiating table.

The Congress must not act to further the interests of the Soviet Union by unilaterally adopting Soviet negotiating positions that have been rejected by the United States Government.

The Congress should not seek to establish, in U.S. domestic law, positions on matters such as ASAT, nuclear testing, SALT II compliance, ABM Treaty interpretation, and the role of chemical weapons, at the very moment that such sensitive arms control subjects are being negotiated by Secretary Shultz and Foreign Minister Shevardnadze and by the negotiators in Geneva. Such action would inevitably disadvantage and undermine the United States Government in such negotiations.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate that a closed hearing has been scheduled to receive testimony on the status of the Department of Energy's efforts to address issues concerning the defense materials production reactors located in the United States.

The hearing is scheduled on October 1, 1987, at 2 p.m., in Washington, DC. For further information please contact Mary Louise Wagner at 202-224-7569.

Those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to hold hearings on the nomination of William L. Dwyer, to be U.S. district judge for the Western District of Washington; James A. Parker, to be U.S. district judge for the District of New Mexico; William L. Standish, to be U.S. district judge for the Western District of Pennsylvania; and Ernest C. Torres, to be U.S. district judge for the District of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.



## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Friday, September 11, 1987, to conduct a hearing on "AIDS."

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, September 11, to hold hearings on proposed legislation relating to arms export policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## FOURTEENTH ANNIVERSARY OF PINOCHET'S COUP

● Mr. KENNEDY. Mr. President, today, we gather to mark yet again a dark anniversary in the history of Chile—this September 11 marks the 14th anniversary of Gen. Augusto Pinochet's brutal seizure of power. For 14 years, the people of Chile have withstood the brutal policies of General Pinochet, for 14 years the people of Chile have yearned for a return to their long tradition of democracy, for 14 years they have lived without their most basic human and civic rights.

There are also personal tragedies which bring home the costs of this tyrannical rule. Over the summer, we passed the year anniversary of the murder-by-fire of Rodrigo Rojas, the young resident of Washington, DC, who had returned to Chile to acquaint himself with his roots. Yet, all the members of the military held in connection with that murder have been released—including the prime suspect who not only was released on a paltry \$25 bail but was also promoted from a lieutenant to a captain.

In addition, September 21 will mark the 11th anniversary of the car bombing in the streets of Washington of Orlando Letelier and Ronni Moffitt—a murder ordered by the Chilean Government. Over the last year, new evidence has surfaced regarding the involvement of members of the Chilean security in the murders and implicating General Pinochet himself in the subsequent coverup of the murders. In light of this new evidence, our Government again asked the Chilean Government to turn over to us those implicated in the murders. Pinochet again turned us down. For over a decade, the Chilean authorities have protected these thugs, refusing to try them in Chile, and refusing to let them be tried in the United States.

Let us today renew our commitment to never give up until justice is done regarding these egregious acts of terrorism.

The overall human rights situation in Chile remains grim. Raids on shanty towns continue, opposition press is still threatened by the authorities, torture continues and human rights groups continue to be harassed. The Chile Commission for Human Rights reported 133 incidents of attacks against human rights workers alone in 1986. A lawyer working for the Catholic human rights organization, the Vicariate, was recently arrested for publishing an article critical of the human rights situation in Chile. A judge investigating charges of torture received numerous death threats and saw his cases turned over to military jurisdiction where little action is expected.

Last month, the Catholic Bishops' Conference once again condemned the human rights situation in Chile. The conference included numerous reports of physical and psychological torture by the Chilean authorities during interrogation of prisoners. The bishops urge the Government to cease such activities and to investigate any such allegations of torture.

Despite the growing anti-Americanism in Chile, this administration continues to prop up Pinochet with billions of dollars in loans and with votes in the international institutions in support of the dictatorship in Santiago. Since coming to power, the administration has supported well over \$2 billion in loans to Pinochet, has provided an estimated \$40 million a year in trade benefits to Chilean imports, has guaranteed over \$290 million in United States investments and loans to Chile and has allowed over \$250 million a year in imports of Chilean copper—the proceeds of which go right into Pinochet's treasury. It is time we used the full weight of our voice, vote and economic strength to put the United States unequivocally on the side of democracy in Chile.

Last spring, I introduced along with Senator HARKIN, a bill which would ensure that the U.S. support for Pinochet would cease. Several of the provisions of that bill have been included in legislation currently pending in the Congress. I intend to work hard to ensure those and all the provisions of the Democracy in Chile Act of 1987 become a law.

The next year is a critical one in Chile. If the military junta proposes the next leader in Chile—widely predicted to be Pinochet himself—the people in Chile will need our full support in rejecting such a crony system. They will need to know we are behind them in their demand for free and fair elections in Chile.

The actions of the United States will be critical over the next months—if

Pinochet believes we are behind him, he will no doubt remain in power; if he believes we are on the side of the people, democracy will stand a chance in Chile.

Let us over the next year work to ensure that the United States speaks with one, consistent voice in support of justice and democracy in Chile. Let us hope that when we gather together again next year, we can say proudly that the United States has done all in its power to support a Chile well on the way to a new and healthy democracy. ●

## SAUDI ARABIA ARMS SALE OPPOSITION

● Mr. WILSON. Mr. President, during the August recess, I was notified that the Reagan administration may send to the Congress a new arms package for Saudi Arabia this fall. Time and again, the Saudis have proved their unreliability as diplomatic and military partners of the United States and have yet to end their official State of war with Israel. Even in the midst of the war between Iran and Iraq, Riyadh has not adequately cooperated with America in its effort to insure freedom of navigation throughout the Persian Gulf. I therefore believe that congressional approval of another arms sale for Saudi Arabia would be both unjustified and unproductive. After learning of the administration's proposal, I wrote a letter to the President outlining my concerns. I ask, Mr. President, that this letter, dated August 20, 1987, be printed in the RECORD.

The letter follows:

U.S. SENATE,  
Washington, DC, August 20, 1987.

THE PRESIDENT,  
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to express my concern over the Administration's apparent decision to provide Saudi Arabia with a one billion dollar arms package this fall. Such a sale, reported to include Maverick antitank missiles and F15 fighter planes, would dangerously escalate the middle Eastern arms race without enhancing American diplomatic or military interests.

Saudi Arabia claims that the new hardware is required to counter the military threat from Iran. This reasoning overlooks the fact that Riyadh has consistently refused to assist Kuwait and Iraq in deterring Iranian attacks on their oil tankers because such an action would provoke the government in Teheran. The Saudis adopt this cautious approach even though their existing Air Force of over 160 jets, including 56 F15s, is significantly larger than the Iranian fleet.

In fact, Saudi Arabia has yet to expand its military power for any reason other than to confront Israel. Its recent bids for Western European attack submarines and 72 British Tornado fighter-bombers would provide the Saudi government the means to disrupt the Red Sea shipping lanes necessary for the survival of Israel's import-dependent economy. In addition, the Tornado planes would

make Israel more vulnerable to either an air or ground attack from combined Arab forces.

Finally, past sales have failed to significantly change Saudi conduct that has undermined rather than prompted Middle East peace. It is difficult to believe that a new arms sale would bring a halt to the Saudis' liberal funding of the PLO, a terrorist organization. I respectfully submit that such a change should precede rather than follow any new arms sale.

Saudi Arabia, Mr. President, has demonstrated little capability or willingness to support your two major policy goals in the Middle East: freedom of navigation in the Persian Gulf and the security of Israel. I do not see, therefore, how another major arms sale will promote America's diplomatic or military influence in the region.

Sincerely,

PETE WILSON.●

#### SENATOR BRADLEY'S REMARKS AT CHAUTAUQUA

● Mr. ROCKEFELLER. Mr. President, the Soviet Union, under the leadership of Mikhail Gorbachev, is experiencing one of the most dramatic political periods in its 70-year history. At home, Soviet citizens are beginning to enjoy greater openness in political, economic, and cultural affairs. Abroad, the Soviet Union is attempting to project a new and vibrant image as a nation committed to peace. Just last week, this new style was manifest in the unprecedented invitation to an American congressional delegation to visit the controversial Soviet radar complex at Krasnoyarsk.

How far these changes in the Soviet Union will go, and how long they will last, remain to be seen. It would be naive to expect a sudden and dramatic transformation of Soviet society; Mr. Gorbachev may seek to loosen the grip of a totalitarian system only enough to breathe life into a stagnant economy. Nor should we forget that earlier efforts at reform in the Soviet Union, such as those initiated by Nikita Khrushchev, proved to be short-lived.

But even as we avoid unrealistic optimism, we should not minimize what is happening in the Soviet Union. Mr. Gorbachev's domestic reforms and changes in the conduct of Soviet foreign policy represent both unique challenges and new opportunities in United States-Soviet relations. We cannot ignore the possibility that changed circumstances in the Soviet Union present the chance for a significant improvement in superpower relations.

Two weeks ago, Senator BILL BRADLEY reflected on these issues in an extremely thoughtful address at the third Chautauqua Conference on United States-Soviet relations. In that speech, he holds out the hope that the United States and the Soviet Union may at this historical juncture be able to establish a saner and more stable relationship. He reminds us of the things we share in common with the

Russian people. But at the same time, Senator BRADLEY speaks frankly and eloquently of the fundamental differences in values that separate our societies. His speech blends realism and idealism in a way that is characteristic of Senator BRADLEY; it deserves to be widely read.

I commend BILL BRADLEY's Chautauqua address to all of my colleagues, and ask that the full text of the speech, as well as a New York Times editorial of August 29, 1987, appear in the CONGRESSIONAL RECORD following my remarks.

The material follows:

SENATOR BILL BRADLEY'S ADDRESS TO THE  
THIRD GENERAL CHAUTAUQUA CONFERENCE  
ON U.S.-SOVIET RELATIONS, AUGUST 27,  
1987

Today, in Chautauqua, this uniquely American community, I'd like to share with the Soviet delegates and all of you my sense of what Americans want from our relationship with the Soviet Union and what I think may be possible.

Like you, I have watched what is happening in the Soviet Union. Like you, I have many questions on the future of U.S.-Soviet relations. I have doubts and concerns, but above all, I have hope. Today, I want to talk about my hopes.

This week Americans and Soviets meet at a threshold of history: at one of those moments when a door long closed may be opening to show us the path to new places, new vistas of hope, and progress for the human race. Dostoyevsky told us that of creation, only man has no formula to tell him how to act, or even what to be. So how we walk through that door—or whether we let it close before us—is our choice, the human choice. And it's not arrogance but reality which tells us that of all those who will determine the course of coming events, our two nations will play the greatest roles: seeming to fulfill de Tocqueville's prophecy that America and Russia were "by some secret design of Providence [each] one day to hold in its hands the destinies of half the world."

Those in both our countries who see the seeds of a new cold war inherent in our relationship believe the world is too small for two superpowers. I reject the destiny that dooms us to be perpetual enemies. We can create a different future.

Maintaining peace is fundamental. Ever since our scientists solved the nuclear puzzle, Soviet and American arsenals have hung heavy over the future of the world. This knowledge has given our relationship its single categorical imperative—we must never meet in war.

Yet this strong and simple conviction doesn't answer all questions. Avoiding war is not securing peace. Struggle, tension, and conflict between our nations persist. But General Secretary Gorbachev has urged us "not to evade urgent problems." So let's candidly examine what we have in common as well as what divides us—let's begin this process as the first step toward lasting peace.

One thing we share is our love of the land. For both Soviets and Americans, the land is the wellspring of our greatness. It has steered our people. Its beauty inspires our songs. Its cruelty is a source of our sorrows.

Early Americans were energized by the vastness of their territory and emboldened to start anew on the frontier. They ex-

tended America's boundaries, tamed her wilderness, and cultivated her abundance. They revered the land as the source of their strength and the root of their values. They derived from their experience of the land a sense of independence, tempered by a respect for life, liberty, and the pursuit of happiness. These inalienable rights remain at the core of the American character, defining our aspirations for democracy.

Unlike our brief American experience, Russian history goes back a thousand years. A history of triumph and tragedy. Often on an heroic scale. And it is a history always against the huge canvas that is the Russian and Soviet land: a majestic, silent procession of forests and lakes; the vast sweep of the steppes; the strong currents of mighty rivers; the still, somber sands of the arid zones; and the great Siberian wilderness of taiga and tundra.

Our peoples have been challenged and restrained by the land. We have trusted its generosity; and too often taken its replenishment for granted. Now from Chernobyl to Love Canal we see its vulnerability to abuse and we recognize that its potential for giving us rebirth may be slipping away.

Two years ago, I visited the deepest lake in the world, Lake Baikal, in Siberia. I drove there in the afternoon after an exhausting flight from Moscow. When I arrived, the lake was obscured by dense mist. I could see nothing. My disappointment was as heavy as the fog. Early next evening, after a long visit with your great writer, Valentin Rasputin, I went back. The sky was clear and luminous. The lake stretched before us . . . deep, still, pure. In Nature's mysterious quietness, I could hear the heartbeat of time. I could sense the life-giving force that flows through all people, Soviet and American, who know the land. I'll never forget it.

But, land is not all that we have in common. We share cultural ties: poetry and music, basketball and hockey, and most of all a love for literature—from Chekhov to Bellow. Back in 1966, as a student traveler, I can remember leaving the Soviet Union by car into Hungary and being detained four hours until the Soviet border guard had his fill of perusing my copy of Steinbeck's *Of Mice and Men*.

We also share historical ties: we both endured the traumatic experience of revolution and the satisfaction of nation building. And, unusual among world powers, we have never declared war on each other. To the contrary, we were even allies in a war which we won, in large part, because of the heroic struggle of the Soviet people against the invasion of Hitler's armies.

And, finally, we share a yearning for freedom.

Above all else, Americans cherish liberty. We fought a war to claim it from a colonial power. We value not just the freedom of the nation, but the liberty of each individual man and woman. And in America, as de Tocqueville said, "The spirit of religion and the spirit of liberty are in fundamental agreement." The idea of banning any kind of religious worship is alien to us. For Americans, freedom is the essence of man. It cannot be bargained away or yielded for any price.

More than this, we have always believed that individual freedom is a universal aspiration. We borrowed our doctrines from England and Greece and ancient Israel; we were helped in our Revolution by Poles and Germans and French. We have often tried to help others to find freedom in their turn.

These sentiments cannot be strange to the people of the Soviet Union. How many



times, at the limits of human endurance, did the Russian people themselves, peasants and poets, cossacks and party members, somehow rise and save their country from the invader? How many times did a Pugachev with his 80 men rise against serfdom or a Pestel, with a few hundred, challenge all the might and cruelty of the czar? Or, in our day, has not the most brilliant example of the inextinguishable thirst for human liberty come from the innermost heart of the Soviet Union—come in the Akhmatovas and Pasternaks, and all those nameless ones who have in their matchless courage braved the winds of Kolyma, circulating handwritten manuscripts in defiance of the censor just as their ancestors evaded the censorship of Czar Nicholas The Flogger.

Yet despite these bonds—of land, wartime alliance, culture and a common yearning for freedom—our countries remain far apart. Our institutions and standards of conduct differ profoundly.

For example, Americans are mystified by Soviet denial of many basic freedoms of expression. We don't understand why Rostropovich couldn't conduct an orchestra or play his cello in his motherland. Why pianist Vladimir Feltsman has to emigrate to perform. Why Baryshnikov felt he had to leave in order for his artistry to grow. Why exile was the price the writer Vassily Aksyonov paid to publish his novels. We are grateful to have these artists among us. But why is the Soviet Union so inhospitable to such talent?

America, as perhaps the world's most open society, is also bewildered and threatened by Soviet preoccupation with secrets. There is no profit for American leaders in dwelling excessively on the sins of the Soviet past, but even General Secretary Gorbachev has said the Soviet people must "know everything and consciously make judgments about everything." Put simply, the Soviet Union itself must come to terms with its history. If the Soviet Union wishes to be trusted by others, it must first show that it believes its own people can be trusted with the truth. More than this, Americans know that we could never deal with our racial problems without squarely acknowledging that slavery was our greatest crime. So the Soviet people will not be free until, as Andrei Sakharov said 20 years ago, the whole nation can examine the historical records and understand for themselves why terrible abuses of power have occurred.

Finally, we Americans are also deeply suspicious of a nation that keeps families divided, that denies loved ones the right even to visit. This may seem minor compared to regional conflicts and nuclear weapons. But to many Americans, permitting Soviet-Western families to unite is a basic requirement for membership in the international community.

Secrecy, repression, and insensitivity do not produce greater understanding between the U.S. and the Soviet Union.

So how do we improve relations in the face of all the things that divide us?

First we have to see each other clearly.

American views of the Soviet Union swing between wishful thinking and hostile pessimism. We tend to think that the tensions between us result only from superficial misperceptions. Or, we believe that the Soviet state is our implacable adversary—the incarnation of evil.

These caricatures lead to errors in judgment. The one lulls us into a false sense of security which, after events such as Czechoslovakia or Afghanistan, degenerates into an

angry sense of betrayal. The other obscures the significant opportunities that appear from time to time to settle grievances, reduce tensions, and advance mutual interests.

Soviet misperceptions of the United States are at least as great and as dangerous. Soviets discredit our concern for human rights and individual liberties; and see our foreign policy as the captive of rapacious capitalists; they attribute our defense policies to the "military-industrial complex;" they underestimate the extent to which speech is truly free in a democratic society; and they ignore throughout our history the pride with which we have enfranchised ever larger segments of the American people.

These assessments are sterile, even unreal. If Soviet authorities indulge such illusions, they'll be vulnerable to surprise, disappointment, miscalculation, and bad policies.

And lurking behind our views of the Soviet Union and their views of the U.S. is the ultimate fear. The ultimate fear that the other side will start a war that leads to the use of nuclear weapons. If rationality prevails, it will never happen. To make rationality prevail is a major challenge.

To see each other more clearly also means to admit that neither of us is so devious or so naive as the other thinks. And we each have something to learn from the other as well as past mistakes to overcome. But improving understanding, accepting differences, and identifying mutual interests will not happen overnight. Conflict stems from clashes of interest. Minimizing confrontations and the danger of war means resolving conflicts of interest. We should proceed soberly but confidently one step at a time, promising only what we can deliver.

And there is no better time to begin than now. Before Mikhail Gorbachev became General Secretary, all but the most optimistic Americans would have given low odds to significantly improved relations. We saw a nation, then in the grip of a rigid ideology, sinking under the weight of economic stagnation and official corruption, while engaged in a massive military buildup. It was as if the Soviet generals had been given a blank check to indulge their ambitions and to indenture the economic future of the Soviet Union.

But in 1985, we began to feel the winds of change. General Secretary Gorbachev began to call for "revolutionary change" and "historic restructuring" of the Soviet system. Many Soviet participants at this conference are leading figures in that reform effort. In February of this year, the General Secretary said: "Our international policy is determined more than ever before by our domestic policy, by our interest in concentrating on creative work for the perfection of our country. For that very reason we need a more stable peace, predictability, and a constructive direction of international relations."

Because of the General Secretary's words and his actions, Americans have begun to question their old views. Were we wrong? Is Soviet change possible after all? Are such radical new possibilities practical? Should we rethink our policies toward the Soviet Union?

We know our influence over the internal affairs of the Soviet Union is limited. But at the same time, we are all citizens of the same human community, and we Americans believe that stable peace and increasing freedom go hand in hand. So we would share with the Soviet delegates in the

candid spirit of Chautauqua the views and the questions on American minds as we watch what is happening in the Soviet Union.

First, some of General Secretary Gorbachev's proposed reforms promise a more productive society. But they also threaten the Soviet status quo and political establishment. Americans recognize that the Soviets face a strategic choice: either cling to the established ways, with military power and internal repression as the major sources of authority. Or seek through a more open expression a broader mandate to govern and permit the system to evolve. Americans doubt that there is any middle way.

We Americans also wonder how fully the General Secretary and his supporters have foreseen the difficulty of transforming the Soviet state. We watch how far or fast they will proceed and if the Soviet people are with them.

We ask:

Will the Party and State bureaucracy, about which General Secretary Gorbachev has often complained, share more power with the Soviet people?

Will workers have a bigger voice and trade unions a stronger role, even as "restructuring" creates hardships for some workers who lose their jobs?

Will Soviet citizens make their own choices about what to read, see, hear, buy, and sell?

Will Soviet authorities accept differences in politics, culture, and religion?

Will freedom to travel no longer be confined to the privileged few?

Will Soviet history, including the record of Stalin's purges, Ukrainian famine, and collectivization, be taught by people concerned with discovering the truth?

Will fewer resources go to a military buildup at home and abroad?

Will the General Secretary's call for "Democratization" bring greater autonomy to minority nationalities who have lived under Russian dominance for decades?

Will the Soviet leadership let the people of Eastern Europe restructure their own systems and their relations with the outside world?

Will Soviet youth be permitted to repudiate the war in Afghanistan with the same decisive vehemence that young Americans rejected Vietnam?

Will all this happen or will only some of it? Or will none of it? How broad a swathe does General Secretary Gorbachev want to cut through Soviet history?

Some Americans say real reform cannot happen in the Soviet Union: that reform will be stalled by the system's inertia or be subverted or even overthrown by the opponents of change. Other Americans worry that if reform succeeds, the Soviet Union will emerge as a stronger and more dangerous adversary, able to make new demands on the West.

"The reformer," said Machiavelli, "has enemies in all those who profit by the older order, and only lukewarm defenders in all those who would profit by the new order." Even so, most Americans are rooting for the reformers. Most Americans believe that a stable peace requires a more open Soviet society.

And now, as the door long closed may be opening, we Americans must be flexible enough to allow for our own rethinking in order to seize new opportunities for a lasting peace. We know the importance of dialogue and negotiations—to dispel the specter of nuclear catastrophe, to avoid the

horror of any war, and to resolve conflicts of interest. If reform continues in the Soviet Union I believe we can cut U.S. and Soviet conventional forces in Central Europe and indeed nuclear weapons, by more than anyone has been prepared even to talk about up to now. It is within our power to create a different future, for as Solzhenitsyn said, "history is us . . ."

Meetings like this one in Chautauqua, that bring together politics, religion, and art, are important. We need powerful voices that express direct human feelings in ways that politicians hear. We need an American/Soviet competition that celebrates and preserves humanity, not endangers it; one that enables us to solve our nations' domestic problems instead of threatening the world with destruction. We need prophets and dreamers, as well as generals and bureaucrats. In the words of Valentin Rasputin . . ., we need "to establish a different plan—one measured not just in cubic meters, but in souls."

[From the New York Times, Aug. 29, 1987]

#### WHOSE REALISM ABOUT THE RUSSIANS?

This was a week in which a fall summit meeting looked likelier by the day, and it rang with speeches about U.S.-Soviet relations. Addressing Russians and Americans gathered in Chautauqua, Governor Cuomo of New York, President Reagan and Senator Bill Bradley of New Jersey gave the topic very different turns. Yet their speeches all made one compelling point.

As Mikhail Gorbachev starts to restructure the Soviet Union, the relationship between the superpowers could undergo a restructuring of its own. The U.S. response is only now being developed, but the subject has seized America's imagination.

Governor Cuomo's speech was marked by lofty sentiment welcoming change. "This is the time to begin to recognize an end to the cold war that for 40 years has chilled peace in the name of self-protection," he told the conferees, with little recognition of why it has so long endured. He spoke of embarking on "a new realism" and of scorning old stereotypes but skipped lightly over the depth of the divisions. It was little more than a host's welcoming speech.

President Reagan, his words beamed from Los Angeles, also welcomed the prospect of change. Yet he gave a very different idea of what change requires. If the Russians would tear down the Berlin Wall, withdraw their troops from Afghanistan, rescind the Brezhnev doctrine and open up their military budgeting and planning process, then true change could come about.

This was the speech of a President in the throes of a policy debate. It followed hard upon America's easing of its demands for verification in the impending intermediate-range missile agreement, giving the impression that the President was playing to critics on his right.

Senator Bradley, constrained neither by protocol nor negotiating politics, gave the fullest and most thoughtful exposition of U.S.-Soviet relations. He reached out to the peoples of both nations, urging them to ponder what they share: love of the land, literature, a history of revolution and nation-building. He tried to explain what Americans find incomprehensible about the Soviet Union: its secrecy, its aversion to freedom of speech and religion.

To proceed together, said the Senator, the two peoples must achieve a much clearer understanding of each other than their fears and misperceptions have permitted.

Soberly and slowly, the two peoples thus might indeed change history.

After dreary decades, it is a time for hope. But not for illusions: neither those implied by Governor Cuomo, that the differences are really not so great, nor President Reagan's presumption that the Russians will make themselves over in our image if properly instructed. The time is for dreams, yes, but practical ones. For that, Senator Bradley wrote the text of the week. ●

#### INFORMED CONSENT: KANSAS

● Mr. HUMPHREY. Mr. President, today I would like to insert into the RECORD a letter from a concerned woman who supports my informed consent legislation, S. 272 and S. 273. Today's letter comes from the State of Kansas.

I ask that this letter from a woman in Kansas be inserted into the RECORD. The letter follows:

MARCH 9, 1987.

DEAR SENATOR HUMPHREY: I'm not proud of the fact that I have had three abortions in my lifetime.

In 1976, I was 16 years old and a medical doctor exterminated my child without my parents being contacted. In 1978, I sacrificed another child because of its untimeliness and in 1980 I stood bawling and sobbing in an abortion clinic. I did not want to do it, but I was young and dumb. My alternatives were not even remotely explained. They put me in a room until I stopped crying and then ended the life of my child.

Senator, if I had been counseled at all on the nature and consequences of both abortion and the alternatives, my arms would not ache to hold my babies today. I accept my responsibility in this. I would suggest that, as with any other surgery, a physician should be required to explain what my exact state is, (i.e. what 4 month pregnant mean, what does the child have in terms of development, etc.) and what I am doing and choosing when I say I want an abortion, as well as when I choose an alternative. Sir, please help the plight of uninformed women like myself. Our acts are irreparable and we bear the scars forever. Obviously, the abortionist is a businessman and I can see no reason why they should oppose making sure a patient knows what she is doing unless it's because of the possible reduced income.

Thank you and God bless you in your job.

CHRISTIE M. SUTTON,

Kansas. ●

#### B'NAI B'RITH WOMEN OF CLEVELAND

● Mr. METZENBAUM. Mr. President, I rise today to bring to the attention of my colleagues an important milestone in the history of an outstanding organization. On Monday, September 14, the B'nai B'rith Women of Cleveland will mark 90 years of compassionate community service in northeastern Ohio. It is with great pleasure and much pride that I salute this impressive group of women.

The devoted members of B'nai B'rith Women contribute their time and considerable talents toward a broad array of services benefiting thousands of Clevelanders. They serve

their community in hospitals, old age homes, children's centers, and other facilities, answering the changing needs of today's women. Further, the B'nai B'rith Women sponsor school programs and seminars with the Anti-Defamation League. They also meet monthly at the Cancer Society to provide for home care cancer patients, and at Case Western Reserve University, BBW members prepare meals at the Hillel Center for both students and faculty.

I could continue to list all the wonderful things the B'nai B'rith Women do, but I think you all understand their importance by now. They selflessly devote their time and energy to serving the people of Cleveland by providing help where help is needed. All of Cleveland benefits from their activities, and we can all learn a lesson in compassion from these fine women. This is a fine community organization, and I am glad to be able to commemorate their 90th anniversary on the Senate floor. ●

● Mr. WIRTH. Mr. President, recently several prominent Soviet refuseniks received word that they have been granted permission to emigrate. While we are gratified and encouraged with this news, we cannot forget the plight of one courageous man who has struggled for 12 years to emigrate from the Soviet Union.

Dr. Naum Meiman, a mathematical physicist, has valiantly attempted time and again to rejoin his daughter, Olga, in Colorado. Yet he remains in the Soviet Union, fighting poor health and grieving over the death of his wife, Inna—whose delayed emigration denied her the opportunity to have her cancer properly treated. Dr. Meiman, at the age of 76, has seen many friends emigrate and now, more than ever, deserves the same opportunity.

His emigration requests have been repeatedly refused by the Soviet Government on the grounds that he possesses "state secrets"—yet it has been 30 years since he performed any classified calculations. Chairman Mikhail Gorbachev has said himself that the state secret prohibition against emigration is invalid for those who have not worked in the government for more than 10 years. Why, then, is this man, who desires nothing but to join his daughter, prohibited from doing so?

Dr. Meiman's plight compelled every Member of the Senate to join my distinguished colleague Mr. SIMON and me in sending a letter to Mikhail Gorbachev, imploring his government to allow him to emigrate. Mr. President, I ask to have the text of that letter printed in the RECORD. All eyes are now on the Soviet Union, waiting to see that it honor the legal obligations of the Helsinki Accord and to join the



family of nations dedicated to the primacy of human rights.

The material follows:

U.S. SENATE,  
Washington, DC, August 6, 1987.

MIKHAIL S. GORBACHEV,  
Chairman, CPSU, The Kremlin,  
Moscow, RSFSR, U.S.S.R.

DEAR MR. CHAIRMAN: We implore your government to permit Dr. Naum Meiman to emigrate from the Soviet Union.

Dr. Meiman has struggled valiantly for 13 years to re-join his daughter, Olga, in Colorado. He has struggled against stiff bureaucratic resistance. He has struggled in spite of frail health and deep sorrow, over his beloved wife's death in exile. It is well past time to let Naum Meiman go.

For Naum is a man of peace. He poses no threat whatsoever to Soviet society, although your government repeatedly claims that Dr. Meiman's background as a mathematical physicist has made him privy to important state secrets.

Yet it has been 30 years since he performed any classified calculations and these were of a purely academic nature. His work has been openly published in Soviet journals for years. A signed letter from the director of the Soviet Institute of Theoretical and Experimental Physics confirms that Dr. Meiman's work is not classified. You yourself have noted the specious nature of the "state secrets" prohibition against emigration for those who have not served the government for more than 10 years.

Mr. Chairman, the Soviet Union has announced to the world that its new emigration policy will be streamlined and fair-minded. Moreover, that new policy calls for the "speedy reunification of divided immediate families." Your government can demonstrate the sincerity of these new provisions by immediately examining Naum Meiman's case and determining his eligibility for an exit visa.

We thank you for your expeditious attention to this matter.

(Signed unanimously by the U.S. Senate.)

12-YEAR WAIT BITTER FOR SOVIET JEW—DISSENT NAUM MEIMAN, 76, HOPES, BUT NOT TOO HARD

(By Gary Lee)

Moscow, September 9.—Since a Soviet official called Monday to tell Josef Begun he could leave for the West, his activist friend and would-be emigre Naum Meiman has stayed close to the telephone in his apartment here. In the past two days, there have been 18 calls, all from friends, but none from the visa office.

Meiman denies that he is waiting for word from Soviet authorities granting him permission to leave. At 76, after 12 years of rejection of his applications to emigrate, he feels he has passed the phase of anxious expectation. "If a man is always caught in a time of hope and waiting, it destroys him," he said, leaning back in his rocking chair.

And yet, when the telephone rang, he jumped up anxiously.

It was another friend.

In a year when the emigration of Soviet Jews has increased sharply, including many who have battled for up to 15 years to leave for the West or for Israel, Meiman is among the oldest of the Soviets still waiting for approval to live abroad.

His case symbolizes the plight of those who have not been selected, the so-called refuseniks whose applications are rejected amid official Soviet promises that emigra-

tion will increase under Soviet leader Mikhail Gorbachev's reforms.

Of all the hardships endured by Soviet dissidents who fight to leave the country, including the loss of jobs and sometimes imprisonment, Meiman's 12-year vigil seems punctuated by the most bitter experiences.

During his long wait, some of his closest friends and family members, including his only child, have departed. This year brought the harshest blow—the death of his wife Inna in Washington, D.C., only three weeks after she won a long battle to emigrate.

Most of Meiman's friends were swept out of the country in one or another of the emigration waves that have ebbed and flowed over the past two decades; emigration has diminished greatly in recent years from a peak of more than 50,000 in 1979.

A founding member of the Helsinki Watch, the unofficial group of Soviet activists who monitor their government's human rights record, Meiman was close to other members including Natan Shcharansky and Yuri Orlov. Both men were taken from prison last year and flown to the West.

"We were all in the house and the struggle together," Meiman said. "When they left, part of me left."

With the imminent departure of friends like Begun, who received permission on Monday to emigrate after 16 years of waiting, Meiman's group of friends nearly will have vanished. "The circle has gotten smaller," he said in an interview. "I am practically alone in it now."

By far the most excruciating experience in his 12 years of waiting, however, was the period between 1983 and last winter when his wife, dying slowly of cancer, fought a long battle to go abroad for medical treatment. "I cannot explain what she went through for the last two years," he said. "It gave me deep physical pain just to be with her. A human being is not supposed to bear those kinds of things."

When a plea by former senator Gary Hart to Gorbachev finally brought results last December, it was too late. Inna Meiman left for treatment in the United States last Jan. 19 and died of medical complications in Washington three weeks later.

In discussing the case, the neutral tone of voice Meiman adopts when discussing Soviet authorities gradually gives way to deep feelings of bitterness. "This country killed my wife by delaying her departure for so long," he said, "I counted the days and the pain. The experience has made living here intolerable."

As a refusenik left out of the latest group of 15 who gained approval to leave, Meiman is hardly alone. By western estimates, the cases of those consistently denied emigration visas runs into the hundreds, and perhaps thousands.

U.S. officials have appealed to Soviet authorities for leniency in many of the cases, including Vladimir Slepak, a Moscow Jew refused an exit visa for 16 years who celebrated Passover with the Secretary of State George P. Shultz here last April.

Like Meiman, many refuseniks have had their applications rejected on the grounds that they possess state secrets. Meiman, a mathematician by training, worked on the Soviet Union's fledgling atomic bomb project in the 1950s.

Although his work in this sensitive area ended in 1955, and Gorbachev has said that the statute of limitations on state secrets should be less than 10 years, Soviet officials still base their rejection of Meiman's appli-

cation for emigration on the contention that he knows classified information.

In the past year, the emigration of Soviet Jews to the West has risen to over 4,000, more than four times the 1986 figure.

During a long conversation in the sitting room of his apartment, Meiman was quick to dismiss questions about the effect of the new trend on his own chances of emigrate.

"They seem to pick and choose who can go more or less by chance," he said. "And at my age you can't count on being the one to be picked. I used to live next to the telephone but a person can't live in that way."

After returning from answering the telephone call from a friend and falling into a long silence, Meiman added an afterthought: "The human being is very complicated," he said. "Maybe something really has happened in my unconscious." ●

#### COST ESTIMATE—S. 1668

● Mr. JOHNSTON. Mr. President, the Congressional Budget Office estimate of the costs of S. 1668, as reported to the Senate on September 1 (S. Rpt. 100-152, Calendar No. 305), was not available at the time the report was filed. The cost estimate for S. 1668 was subsequently received by the Committee on Energy and Natural Resources on September 9.

I ask that the text of the CBO estimate be printed in the RECORD for the advice of the Senate.

The cost estimate follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 9, 1987.  
Hon. J. BENNETT JOHNSTON, Jr.,  
Chairman, Committee on Energy and Natural Resources,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1668, the Nuclear Waste Policy Act Amendments Act of 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,  
Acting Director.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE September 9, 1987.

1. Bill Number: S. 1668.
  2. Bill Title: Nuclear Waste Policy Act Amendments Act of 1987
  3. Bill status: As reported by the Senate Committee on Energy and Natural Resources, August 7, 1987.
  4. Bill purpose: This bill amends the Nuclear Waste Policy Act of 1982 and redirects the nuclear waste program by making major changes in the site characterization process for the permanent geologic repository, by authorizing a monitored retrievable storage (MRS) facility to prepare and package spent fuel before shipment to a permanent repository, by authorizing benefit payments to affected states and Indian tribes, and by delaying work on a second repository. It also requires the Department of Energy (DOE) to conduct studies of nuclear waste issues and makes various other changes in the act.
- This bill directs DOE to select one preferred repository site from among the three candidate sites (Hanford, Washington; Yucca Mountain, Nevada; and Deaf Smith

County, Texas) by January 1, 1989. DOE would proceed with site characterization activities at this preferred site and take all actions required under the act to assure that the repository is constructed and operational at the earliest practicable date. If at any time DOE determines that the preferred site is unsuitable for technical reasons, it must select another preferred site from among the original three candidate sites within six months.

The bill authorizes one MRS facility and directs DOE to survey and evaluate three potential MRS sites in at least two states by January 1, 1989 and to select one of these sites for MRS construction by October 1, 1989. The governing state or Indian tribe of the selected MRS location has the right to disapprove the site selection as described in Section 10136 of the act. On or before January 1, 1989, however, DOE may select a suitable site for MRS construction that is located in a state or Indian reservation where the governing body has requested that the site be considered for an MRS facility. The bill also extends the provisions in the act concerning grants and assistance to states and Indian tribes with locations being considered for a repository to include MRS locations as well.

The bill directs DOE to offer to enter into a benefits agreement with the governing bodies of the preferred site for the repository and the site selected for MRS construction. The benefits agreement would provide for payments from the nuclear waste fund to the affected governing body. Prior to receipt of spent fuel at the MRS or repository, the affected governing bodies would receive annual payments of \$20 million and \$50 million, respectively. Upon first receipt of spent fuel, and annually thereafter until the facilities close, the governing bodies at the MRS site and the repository site would receive \$50 million and \$100 million, respectively. In addition, the benefits agreement would provide that the state or Indian tribe waive its rights under the act to disapprove DOE's recommendation of its site for facility construction.

DOE could not conduct site-specific work on a second repository if this bill were enacted, and the bill requires a report on the need for a second repository after January 1, 2007 and before January 1, 2010.

Finally, the bill requires DOE to report on various issues, including: the need for more than one MRS, alternative waste disposal methods, and nuclear fuel reprocessing. The bill would also give states bordering the state selected for a repository the same rights and opportunities to participate in site selection, review and approval as the selected state, if the bordering state lies contiguous to a river, waterway or aquifer whose flow passes adjacent to or underneath the site, and continues downstream or down gradient to such bordering state.

5. Estimated cost to the Federal Government: The changes in program requirements, coupled with the specific authorizations for fiscal years 1988-1990, would result in less spending than the currently authorized program, assuming appropriation of the authorized amounts. The estimated budget impact relative to the CBO baseline projections is shown in the following table.

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992
Estimated authorization level	-139	-248	-247	-234	-200
Estimated outlays	-70	-145	-230	-251	-226

If benefits agreements with governing bodies are not reached, and if appropriations are correspondingly reduced below the authorized levels, savings would be \$70 million more each year, beginning in 1989.

The savings from this bill fall within budget function 270.

Basis of estimate: The bill authorizes appropriations of \$567 million for 1988, \$545 million for 1989, and \$484 million in 1990 to conduct all activities under the Nuclear Waste Policy Act. Based on information from DOE, CBO estimates that \$410 million in 1991 and \$425 million in 1992 would be required to conduct activities required under the act as amended by this bill.

The current authorization does not include specific authorization levels. For the purpose of this estimate, it is represented by the CBO baseline, which reflects the requirements of the Nuclear Waste Policy Act of 1982 (including characterization of the three candidate sites, and continued study of the need for an MRS facility). Baseline budget authority is \$706 million, \$793 million, \$731 million, \$644 million, and \$625 million for fiscal years 1988 through 1992, respectively. Budget authority savings from enactment of this bill are estimated to be the difference between the baseline and the newly authorized amounts (as specified for 1988-1990 and as estimated for 1991 and 1992).

CBO cannot predict whether or not states or Indian tribes would choose to enter into benefits agreements with DOE for the repository or the MRS sites. States and Indian tribes would relinquish their veto power over site selection by entering into such agreements. The estimate in the table above assumes appropriation and expenditure of the full amounts authorized, including amounts for benefits payments.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kim Cawley.

10. Estimate approved by: C.G. Nuckols, (for James L. Blum, Assistant Director for Budget Analysis.)

## BILINGUAL EDUCATION

● Mr. QUAYLE. Mr. President, during the August recess, several articles appeared in the Washington Post and New York Times about bilingual education and activities in California related to a growing concern for greater flexibility in the bilingual education programs in that State.

For the last two Congresses, I have introduced legislation to permit greater flexibility in the Federal bilingual education programs at the local school district level, to permit schools to use the most effective method of teaching English to non-English-speaking children.

As a result of these bills, the Committee on Labor and Human Re-

sources has reported out compromise legislation, S. 1238, to increase the amount of flexibility allowed in the Federal Bilingual Program to permit greater use of programs such as immersion.

Because the debate about the method of teaching English is at the heart of this issue, I felt my colleagues would be interested in these articles. The first article from the Post discusses the recent decision by the Governor of California to veto the current state bilingual education program, thereby permitting greater use of immersion and less use of transitional bilingual education [TBE]—a method of teaching that starts children in their native language and then moves them into English. The second article reports on the decision of the Los Angeles teachers' union to increase reliance upon immersion as opposed to TBE. Both articles indicate the amount of public support for the immersion methods as opposed to the stricter requirements of the TBE program and show the public's interest in getting non-English-speaking children to learn English as rapidly as possible.

The third article is an editorial from the New York Times which speaks in support of increased flexibility and increased reliance upon immersion as an effective way to teach children English.

Because the Senate will be considering the Labor reported bill as part of the omnibus elementary and secondary education reauthorization package later this fall or early next year, I wanted my colleagues to be familiar with some of the trends at the State and local level regarding the teaching of bilingual education. California has one of the largest bilingual education programs in the Nation, and therefore, it is instructive to learn what trends are occurring there and how the public views the current programs.

Mr. President, I ask that these three referenced articles be printed in the RECORD.

The articles follow:

[From the Washington Post, Aug. 2, 1987]

CALIFORNIA VETO A BLOW TO BILINGUAL EDUCATION—GOV. DEUKMEJIAN BLOCKS EXTENSION OF LAW

(By Jay Mathews)

LOS ANGELES—Bilingual education, created to ease the assimilation of millions of immigrant children into American society, has suffered a major setback in its largest educational stronghold. Gov. George Deukmejian last week vetoed an extension of the state bilingual law, and educators say his action reflects growing public and professional discontent with the program.

The veto leaves the Los Angeles Unified School District with significantly less authority to teach in a foreign language in thousands of classes that do not already have qualified bilingual teachers, a state attorney and the district's bilingual program administrator said.



Since Los Angeles has more pupils in bilingual programs than any other U.S. school district, the change is expected to have a substantial impact on the national debate on the value of bilingual education and on congressional efforts to modify the use of U.S. funds in such programs.

Officials of U.S. ENGLISH, a citizens group favoring more classroom instruction in English, hailed the California development as a logical step following the overwhelming victory of a 1986 ballot measure making English the official state language.

Until now, nearly half of the more than 159,000 school children with limited English here relied on bilingual teachers' aides and teachers who take after-school foreign language classes. But Allan Keown, a state Education Department attorney, said the veto means Los Angeles has lost explicit authority to force teachers to learn a second language.

Before it expired July 1, the bilingual education law required a bilingual teacher in any class in which 10 or more children did not speak English. There are 6,000 such classes, and 3,300 have bilingual teachers. Ramiro Garcia, the assistant superintendent in charge of bilingual education here, said those teachers would continue to teach immigrant children in their native language.

Garcia said that rather than allow Spanish-speaking teachers' aides to teach the remaining 2,700 classes, he would encourage teachers to conduct their classes in English and allow the aides to help the non-English-speaking students.

School board president Rita Walters said the board will consider several ways to compensate for the veto and did not rule out rules requiring some teachers to learn Spanish or change jobs. But critics of the bilingual program within the 21,000-member United Teachers-Los Angeles (UTLA) union have forced a referendum next week asking the district to move toward English-immersion classes for all immigrants and cut back more on instruction in Spanish.

Keown, who is helping to prepare new bilingual guidelines in the wake of the governor's veto, said districts may assume that "there will be more discretion and flexibility" in bilingual programs, although federal court decisions and local-federal agreements will still require special efforts to help young immigrants adjust.

School administrators here have required many reluctant teachers who spoke only English to join the bilingual program. To avoid being transferred, the teachers promised to learn a foreign language within seven years and in the meantime rely heavily on a bilingual aide. Usually, UTLA President Wayne Johnson said, the language is Spanish, since most parents from Asia, the other major immigrant group here, want their children in all-English classes.

"I had to turn my class almost entirely over to my aide, and I never knew if she was giving proper instruction or not," said Sally Peterson, a third-grade teacher at Glenwood Elementary School. When Peterson's principal announced in March that the bilingual program would force job changes for 24 teachers at her school, she joined with several others to form the Learning English Advocates Drive and put the group's plan for English immersion on the UTLA ballot.

The bilingual program, the group charged in the union newspaper, "contradicts professional ethics" by "not allowing the child to achieve the goal of English fluency."

The UTLA Chicano Education Committee quickly responded by preparing a referen-

dum endorsing bilingual education. It noted several studies, including a March report by the U.S. General Accounting Office, that said initial bilingual education appeared to improve students' English in the long run. Votes on both measures are due Friday.

Jim Franco, chairman of the Chicano Education Committee, said he too is disturbed by the amount of control given to bilingual aides under the current system and blamed the district for not offering teachers better incentives to learn Spanish. A fully certified bilingual teacher here earns an extra \$1,000 a semester. Without proficient Spanish-language instruction in mathematics, science and other subjects, Franco said, Latin American children "will fall further behind."

Deukmejian, a Republican, vetoed a bilingual-law extension last year and again July 24 despite compromise features that would have relaxed requirements that teachers learn Spanish and required parental approval for enrollment in a bilingual class. He noted that the state still will provide money for the 525,000 students thought to need bilingual education but that "it is better to allow each school district to fashion its own" program.

U.S. Education Secretary William J. Bennett and several Republicans in Congress have called for similar flexibility in using immersion programs, which emphasize English instruction with some help in another language when a student needs it.

The House has passed a reauthorization of a federal program for bilingual seed money that leaves traditional bilingual funding at the same level but grants 75 percent of any new money to other approaches. A proposal by Sen. Dan Quayle (R-Ind.) would increase the funds for English immersion and other methods from 4 percent to 25 percent.

(From the Washington Post, Aug. 13, 1987)

#### TEACHERS' UNION IN LOS ANGELES VOTES FOR CHANGES IN BILINGUAL INSTRUCTION

(By Jay Mathews)

LOS ANGELES, Aug. 12.—In a blow to the national bilingual-education movement, unionized teachers here have voted overwhelmingly to ask for a return to predominantly English instruction.

Los Angeles has the nation's largest program for teaching immigrant schoolchildren in their native languages, and National Education Association spokesman Howard Carroll called it "the centerpiece of the whole country. What happens there will affect the whole country."

The vote by nearly 7,000 members of United Teachers-Los Angeles marked the first time the bilingual-education issue had been submitted to a large teacher's group, federal education officials said.

Results tabulated Tuesday night in a UTLA referendum forced by opponents of bilingual instruction showed 5,346 or 78 percent, in favor of moving toward predominantly English instruction, often called "immersion." About 22 percent, 1,499 members, opposed the move.

A separate ballot measure asking support for the current system, which encourages instruction in Spanish or other foreign languages for recent immigrants, was defeated 58 percent to 42 percent.

The vote only sets the union's bargaining position and is unlikely to have an immediate impact on the Los Angeles school board's support for its bilingual program. But educators and union officials said it will

have a significant impact in other districts still debating how to teach immigrants.

"It is critically, critically important," said Stanley Diamond, chairman of U.S. ENGLISH California, the group that led the successful campaign last year to make English the official state language.

The UTLA vote comes after California Gov. George Deukmejian (R) vetoed a bill to expand the scope of bilingual education. His veto allows local school districts to decide how to educate an estimated 525,000 California children with limited or no English skills.

An estimated 1.2 million to 1.7 million American children are unable to understand English well, and until now the bilingual approach has been a widely accepted way of helping them. But a few researchers, parents and teachers have begun to argue that the program only delays adjustment to American society. They say all-English instruction, with some foreign language assistance by teachers' aides, would be better.

"I'm ecstatic," said Sally Peterson, a third-grade teacher at Glenwood Elementary School here and president of the teachers group that won the UTLA vote.

"People were saying that we spoke for just a small number of teachers in the [San Fernando] Valley," a predominantly Anglo part of the school district.

Mark Meza-Overstreet, an elementary school teacher active in the UTLA's Chicano Education Committee, said he was "quite disheartened that the teachers didn't take into account the needs of these children." Bilingual teachers argue that their immigrant students will fall behind in science, mathematics and other subjects if they are not taught in their native language while adjusting to English.

Meza-Overstreet's organization, and its many supporters on the school board, have noted many studies, including a March report by the U.S. General Accounting Office, that say bilingual education appears to improve students' English in the long run.

Los Angeles has 159,000 pupils who have been identified as needing help with English—more than any other district in the country. But it has been able to recruit only 3,300 of the 6,000 bilingual teachers it needs.

This has forced administrators to require some teachers to learn Spanish in their spare time or risk transfer to another school. This "waiver" system has become unpopular with the UTLA.

UTLA President Wayne Johnson and school board member Julie Korenstein, a former teacher, said they believed that opposition to the waiver system, rather than to bilingual education, explained the vote.

Jackie Goldberg, a teacher on the school board, noted that a minority of the union's 21,000 members and the district's 30,000 teachers mailed in their referendum ballots.

More than half of Los Angeles schoolchildren, but only about 10 percent of their teachers, are Latino. More than 60 percent of teachers are Anglo and slightly less than 20 percent are black. Goldberg said she thought the vote reflected a widespread American discomfort with the ideal of bilingualism. "If this was Europe," she said, "we'd get a different result."

Peterson, head of the victorious Learning English Advocates Drive (LEAD), which proposed the referendum, disagreed. She said teachers voted against the bilingual program because they saw too many children failing to master English. She said her

group will lobby the school board to move to immersion and will seek similar votes by teachers on the bilingual issue at the state and national levels.

The UTLA is one of the nation's few teachers unions to be affiliated with both the National Education Association and the American Federation of Teachers.

An NEA spokesman indicated that the UTLA vote contradicts a 1987 NEA convention resolution supporting bilingual education whenever resources are available. An AFT spokeswoman said that union supports bilingual education in general, but only if union members in the local area agree.

The resolution approved by the UTLA said that "cross-cultural understanding" can be achieved "with an immersion program in English" that includes intensive instruction in English as a second language and a teaching system that is full of visual aides and begins with simple words and phrases. "Bilingual [teachers'] aides," the resolution said, "would offer native language assistance."

Teachers complained that under the current system, aides often taught classes while the English-speaking teacher stood by, not entirely sure what was being said.

Linda Chavez, a former Reagan administration official who is to become president of U.S. ENGLISH's national organization, emphasized that her group does not oppose bilingual education but wants whatever system will best move immigrants into the English-speaking world.

[From the New York Times, Aug. 29, 1987]

#### SAYING NO TO BILINGUAL EDUCATION

Members of the teachers' union in Los Angeles voted recently to seek abolition of so-called transitional bilingual education in the city's schools. The vote delighted supporters of California's strong English-first movement. Opponents, particularly Hispanic teachers, were distressed at what seemed like xenophobia on the part of the majority of teachers. In fact, the vote reflects a potentially healthy step forward in this complex debate.

The Los Angeles schools have more than 150,000 non-English-speaking students. Most speak Spanish but the district also serves youngsters who speak 77 other languages. A California law that expired in June required Los Angeles to use transitional bilingual education: teaching children all subjects in their native tongue while they learn English. After they become proficient in English, the children take the English-taught curriculum.

New York City's schools, with about 86,000 children of limited English proficiency, also use the transitional bilingual approach—also to comply with state law, and a court decree. Such laws and court orders reflect a laudable concern that immigrant children not be humiliated in class, and that they have access to education. But over the years, teachers rightly complain, legal prescriptions for the transitional approach have grown too rigid.

The Federal bilingual education law reserves all but 4 percent of the Government money for programs that employ transitional bilingual education. Secretary of Education William Bennett has tried, so far without success, to have the 4 percent cap lifted so school systems can experiment, as the Federal law originally intended. The Los Angeles teachers, for example, favor the immersion method—children are exposed only to English and learn it, sometimes painfully, out of necessity.

Each method has advantages and drawbacks. Transitional bilingual education may be less emotionally wrenching and allows a child to advance in other subjects while learning English. Los Angeles officials say it takes three years, on average, for a child to be integrated into the regular English curriculum. But more than one distressed parent elsewhere has complained, too late, that his or her child was carried along in "transitional" bilingual classes for years instead of being integrated into the English-speaking mainstream.

Immersion can be emotionally difficult, but it works for the Army and at dozens of private language institutes. Whether it can work in a public school setting is unclear. And it requires full-time concentration on language until the child is competent to start studying other subjects in English.

The Los Angeles teachers' vote has no legal force; it simply sets out a union's bargaining position. But Sally Peterson, the third grade teacher who led the referendum drive, hopes the vote "will give a signal to the public that many educators have serious reservations about the transitional method." The expiration of the California law mandating it, she said, offers an opportunity for fruitful experimentation. That sounds less like xenophobia and more like common sense. ●

#### THE DEMOCRATIC PROCESS IN SOUTH KOREA

● Mr. ROCKEFELLER. Mr. President, while the U.S. Congress was in recess during the month of August, representatives of the Government and opposition parties in South Korea were hard at work drafting revisions to their Constitution. On September 1, agreement was reached by an eight-member bipartisan commission on the basic elements of constitutional reform necessary to provide for direct, democratic elections of South Korea's next President. Today in Seoul, the National Assembly will convene in special session to consider these amendments to the South Korean Constitution. Assuming all goes well, the revised constitution will be the subject of a public referendum by the end of October and direct presidential elections will be held no later than December 20 of this year.

The month of August also witnessed the snowballing of labor strikes in South Korea. Since July 1, over 3,200 labor disputes have erupted throughout the Republic of Korea as disgruntled workers began for the first time to feel that they could express their grievances openly. And to the great credit of the Government as well as management and labor, the vast majority of these disputes have been resolved peaceably and without direct Government intervention.

Meanwhile, political leaders in South Korea have begun the process of election campaigning. Earlier this week, opposition leader Kim Dae Jung returned to his home province of Cholla and was welcomed by hundreds of thousands of supporters—without a single act of violence or disruption.

Another Kim, former Prime Minister Kim Jong Pil, is becoming active as a potential contender for the presidency. And the Government party candidate, Roh Tae Woo, will visit the United States next week.

Mr. President, all of these events point to the incredible progress which has been made by the South Korean people over the last 2 months in transforming the dream of democracy into reality. The spirit of compromise and reconciliation demonstrated by the Government and opposition parties in drafting constitutional amendments—and in their handling of widespread labor disputes—has been truly remarkable. While labor strikes were sweeping the country on an unprecedented scale, Roh Tae Woo and Kim Young Sam pressed forward with the constitutional revision negotiations in good faith. They have proved wrong those cynics who claimed that Korea was not yet capable of the degree of compromise necessary to make the transition from an authoritarian society to a pluralistic political system.

Since President Chun Doo Hwan announced on July 1 his commitment to direct presidential elections, press freedoms, political amnesty and other reform measures, tremendous strides have been made towards putting South Korea on the road to democratic government. But the need to sustain the spirit of moderation and compromise is as great as ever.

There have been ominous press reports of threatening remarks made by South Korean senior military officers concerning the candidacy of Kim Dae Jung. And there have been allegations of left-wing activists fomenting violence among labor groups. Extremes of the right and of the left tend to feed off each other—and if left unchecked, may pose a threat to the peaceful transfer of power through free elections by the end of this year.

The U.S. Government has made clear its desire to see the military refrain from intervention in the political process. Nor can the United States sanction the use of violence by a small minority at the very moment when South Korea is moving responsibly towards the creation of a democratic system in which legitimate grievances may be openly debated and resolved. This, presumably, will be the message that Assistant Secretary of State Gaston Sigur will take with him to Seoul later this month.

But above all, we must make unambiguously clear that the United States strongly supports the process of democratization in South Korea, rather than any particular outcome in the forthcoming election. A growing sense of Korean national pride, and increasing anti-American sentiment in some quarters, makes it critically important that the United States not interfere—



or be perceived as interfering—in the choice of South Korea's future political leadership.

Many contentious issues remain to be resolved by South Koreans over the next several months, including the question of political prisoners and the elections to the National Assembly. I am sure all of my colleagues share my hope that the commitment to democratic reform which has enabled the Government and opposition to agree on constitutional reform will guide them successfully through the challenges ahead. The United States has many interests in the Republic of Korea, but none is more important at this juncture than the successful transition to democracy.●

#### SALUTE TO ARLYN GUNDERMAN

● Mr. DURENBERGER. Mr. President, on September 23, Arlyn Gunderman will be honored by his fellow educators in Minnesota on his election as president-elect of the National Association of Elementary School Principals. He is principal of Mounds View's Pike Lake Elementary School.

Over the past three decades Arly Gunderman has served children and their parents as a teacher and administrator. And, as principal of Pike Lake School, he has earned a national reputation as one of the country's outstanding educators.

Perhaps the best indication of his leadership ability came in 1986, when Pike Lake School was honored as a National Elementary School of Excellence in Washington, DC. Arly represented his school in receiving this coveted award from Education Secretary William Bennett.

As an educational leader, Arly has a number of achievements to his credit. They include service on the National Association of Elementary School Principals [NAESP] board of directors and as NAESP's Zone VI director since 1985. He was a member of the Education Commission of the States' Study Panel on Compensating Meritorious Teachers and served as a U.S. State Department Educational Consultant to the European Council of International Schools in 1986.

Arly was president of the Minnesota Elementary School Principals Association from 1981 to 1983, and has served on or chaired a number of educational administration boards and task forces over the past 10 years. In addition to his responsibilities in the Mounds View School System, he has been an adjunct professor of educational leadership and curriculum at the College of St. Thomas in St. Paul since 1984. He is also a frequent speaker and guest lecturer on leadership, communication, motivation, and school marketing.

Arly Gunderman numerous contributions to education and to his com-

munity have not gone unrecognized by his colleagues. He received the NAESP's National Distinguished Principal Award in 1984, the National School of Excellence Award in 1986, and the Executive Educator 100 Award in 1987.

He also was recognized by the Minnesota Elementary School Principals Association in 1984 with its Distinguished Service Award; and by the Minnesota Educational Media Organization with its Outstanding Administrator Award in 1981.

Arly has never been satisfied to limit his contributions to his chosen profession. He has served as a member of the New Brighton City Council and was chairperson of the New Brighton Park Department for over 20 years. He has also been active in PTA, local and church youth athletic leagues, his church council, the board of directors of both the Rotary and YMCA, and as an officer in the Jaycees and Lions.

Arly Gunderman is representative of what has been a strong tradition of educational leadership in Minnesota. In fact, Minnesota has earned considerably more than its fair share of national educational leadership positions over the years.

That's why it is especially fitting that a number of current and former national educational leaders from Minnesota will be helping to salute Arly at his recognition even September 23 at the College of St. Thomas in St. Paul.

Among those national educational leaders from Minnesota who will also be recognized at that event will be Robert St. Clair, current president of the National Association of Secondary School Principals; Dawn McDowell, current president of the National School Public Relations Association; Lloyd Nielsen, past president of the American Association of School Administrators; Marlene Pinten, past president of the American School Counselors Association; Tom Fish, past president of the National Community Educational Association; James Klassen, past president of the National Community Education Association; Jean Hanson, past president of the American Vocational Association; and James Griesgraber, current president of the Department of Elementary Education of the National Catholic Education Association.

Mr. President, Minnesotans have a long-standing commitment to education, a commitment which has produced one of the best educational systems in the country. With the leadership of Arly Gunderman, and his colleagues who are also being honored on September 23 at the College of St. Thomas, that record is one which is sure to continue well into the future.●

#### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have inquired, and there is no other business that will be transacted today. No Senators are seeking recognition to speak. I will therefore utilize the opportunity to deliver another in my series of speeches on the subject of the United States Senate.

Mr. President, I believe this is the 96th speech in the series which I began on March 21, 1980. Through this period of more than 7 years, I have been speaking on the subject which is of great interest to me, and today's speech will be about Isaac Bassett's Senate.

#### THE UNITED STATES SENATE

##### THE SENATE OF ISAAC BASSETT, 1831-1895

Mr. BYRD. Mr. President, from time to time over the past two centuries, a few dedicated individuals have taken great pains to create and save records that they recognized would someday illuminate public understanding of the Senate's history. Throughout my series of addresses on the history of the Senate, I have benefited from their labors and have paid tribute to their foresight. Today, I shall speak of a man who is without equal as a participant and chronicler of the Senate's daily life in the nineteenth century. Of this man, Senator Rufus Choate once proclaimed, "He keeps the door to hell and no one can pass him." Lauded as "the father of the Senate" by Marshall Matthew Carpenter and deemed "as much a fixture in the hall as the vice president's desk or the marble clock," this individual left for posterity a rich first-person account of his sixty-four-year Senate career. Much of what we know of the Senate's inner workings between the years 1831 and 1895 comes to us, thanks to the subject of my remarks today—Captain Isaac Bassett.

Isaac Bassett served the Senate as page, messenger, and assistant doorkeeper. During his six-and-a-half decades of Senate employment, beginning when he was just twelve, and extending until his death, Bassett observed every major act of American history as it was played out in the forum of the Senate chamber. He was a witness to many of the historic moments that I have discussed in earlier speeches such as the censure of Andrew Jackson, events of the turbulent 1850's, the Civil War, and the Gilded Age. During the 1880's and 1890's, Bassett recorded his observations in a series of diaries that he planned to publish at the conclusion of his career. Although he never accomplished this aim, his diaries stand as a testament, both to his stature as a loyal Senate employee and

to his notable abilities as an observer of Senate history.

Isaac Bassett downplayed his personal political views and rarely discussed specific legislation in the documents that he left behind. Rather, his writings offer perspective on the private lives of noteworthy public men. He expounded on the leading personalities of his day in an often humorous, but always deeply respectful manner. We are particularly grateful to Bassett's granddaughter, Mrs. Elizabeth Crosby of Carlisle, Pennsylvania, for her careful custody of this unique record. Today, copies of the Bassett papers are housed in the Office of the Senate Curator. Thanks to that office's dedicated efforts, there is now a useful index to the collection's ten linear feet of material.

As retrospective accounts, Bassett's writings are inevitably less detailed and more contradictory than they would have been had he kept a continuing journal throughout his career. One must remember that his accounts of the 1830's, for example, were composed at least fifty years after the fact. Bassett worked on his diaries only sporadically. He repeated the same anecdotes often, sometimes with new endings. Likewise, Bassett's admitted lack of formal education is apparent in his journals. For the purpose of greater intelligibility, Mr. President, I have taken the liberty of modernizing Bassett's spelling, capitalization, and punctuation.

Isaac Bassett's unflagging devotion to the Senate had its roots in his earliest years. Born in Washington, DC in 1819, he was the first of Simeon Bassett's nine children. His father, a Senate Doorkeeper since 1807, frequently allowed young Isaac to accompany him to the Senate. Here, the lad became a great favorite of eminent statesmen such as Daniel Webster. In 1829, when Bassett was ten, Webster arranged for the Senate to hire Graf-ton Hanson as its first page. Hanson was the grandson of the Senate's second sergeant at arms, Mountjoy Bayly. When Bassett reached the age of twelve, Webster decided he would make an excellent page. In response to complaints from economy-minded senators who saw no need to spend the additional \$1.50 per day for a second page, Webster successfully argued that each side of the chamber should have its own page. Bassett was appointed in 1831.

So we can say that Senator Proxmire indeed has a forerunner, or forerunners, in the Senate who were very economy-minded. For Bassett, the Senate of the Twenty-second Congress, when he first became a Senate employee, was the standard by which he judged all subsequent legislative sessions. And it was to its noteworthy triumvirate of statesmen—Webster, John C. Calhoun, and Henry Clay—

that he compared all future senators; a very high standard indeed.

Many years later former page Graf-ton Hanson, in a letter to Bassett, fondly recalled their first days together in the Old Senate Chamber. Wrote Hanson of the early-to-mid 1830's:

What visions of giants come up to my remembrance. First, from the Vice President's chair comes up the tall, wiry form and brilliant, restless eyes of Calhoun. Next, the neat and well dressed figure of the astute Van Buren. From his seat on the floor arises the full and burly form of Benton, surrounded with books, papers and manuscripts, preparing himself for a three-day speech. Nearby appears the gifted and honey-tongued Preston, the cool and sarcastic Forsyth, the magnificent Troup, the impetuous and eloquent Hayne, the witty and good-tempered Holmes, the logical Wright, the benign face of Frelinghuysen, the thoughtful brow of honest John Davis, the polished and intellectual Rives, . . . the calm Southard, . . . the benevolent Kent, the thoughtful, pale Clayton, the smiling, bright face of Wilkins, the ponderous Buchanan, . . . the wily Marcy and, towering higher, comes the tall, thin, flexible form of Henry Clay, the eloquent, the intrepid.

Then, Hanson described his most deeply etched youthful impression. He said: "But rising higher yet comes up one, a man indeed, and yet how like a god, greatest among the great, strides among the Grecian Kings. Behold that majestic form, that high, expansive brow. Venture to look into those black, deep-set eyes and know that is the immortal—Webster!"

Recalling those years, Isaac Bassett wrote ". . . never before nor since has the Senate been more celebrated than at that time Webster, Calhoun, Clay, Thomas Hart Benton, and Silas Wright were members." Furthermore, said Bassett, ". . . when I had charge of the Senate door, men, and I must say women, have put twenty dollar gold pieces in my hand and insisted on me receiving it. It was on the days that Mr. Clay, Calhoun, and Webster were to speak."

The work meted out to the first Senate pages was demanding. Young Bassett began his day early by placing letter paper and three quill pens on each senator's desk. He ran errands, delivered mail to senators residing on Capitol Hill, filed all the bills and documents left on their desks at the end of the day, and often returned home with a blistered tongue, having used sealing wafers, and having folded as many as six thousand speeches until midnight. For night sessions, one candle and brass candlestick were placed on each desk. Isaac's father lit the two lamps on the vice president's and secretary's desks.

Bassett's many duties precluded attending school. In later years he wrote, "My experience is that if I had my time to go over again I never would enter the Senate as a page, messenger, or an officer. I have spent my whole

life in its service and the consequence is that I have had a very limited formal education." This lack of schooling, which he considered "a source of embarrassment and regret," remained Bassett's only significant complaint throughout his Senate years.

One of Bassett's earliest memories of the Senate was of Daniel Webster's masterful reply to a speech of Senator Robert Hayne on the western land question, which occurred before his appointment as a page. A half-century later Bassett clearly recalled that day in January 1830. As he put it: "on the morning of that speech Mr. Webster took me on his knee. . . . He said to me pleasantly, 'Isaac, I am going to make a speech today, and when I get through I want you to come and tell me how you liked it.'"

Never again did Isaac Bassett witness such a spectacle. In his words, "As early as 9 o'clock, crowds poured to the Capitol. At 12:00, the Senate chamber, galleries, floor, and lobbies were suffocatingly filled, the very stairways were dark with people." Women spectators vied for the best view as they squeezed their chairs in between the desks on the floor of the old Senate chamber. Each hall and passageway where Webster's voice could be heard was filled. The House stood deserted as its members crowded into the lobby behind the vice president's chair. Bassett's account of Representative Dixon Lewis of Alabama captures the frenzy of the moment. Bassett reported that Lewis, a man "distinguished for his enormous size . . . was seated behind the painted glass frame that separated the lobby from the floor of the chamber, and, unable to see Mr. Webster, he deliberately pulled out his knife"—almost every man carried a pocket-knife in those days—"and removed the obstructing part of the glass," clearing a space as large as a man's hand.

Bassett related that as Webster began to speak, ". . . although his most zealous opponents appeared to be unconcerned and uninterested at first, one especially . . . trying hard to read his newspaper upside down, . . . it was not long before friend and foe alike were carried away with the power of his eloquent oratory. . . . In one corner of the gallery I noted several men wiping the tears from their eyes when Mr. Webster was speaking of his own state; I thought they must be from Massachusetts."

One can presume that in this debate, as in others, Webster did not stride into the Senate chamber but, as Bassett vividly described his manner, "sauntered in as if personally unnoticed. He was so conscious of his power and had all of his mental resources so well in hand that he never was agitated or embarrassed; his garments in the



Senate chamber were unsurpassed. Before delivering a speech, he often appeared absent minded. Rising to his feet he seemed to recover perfect self possession which was aided by thrusting the right hand within the folds of his vest, while his left hung gracefully by his side. His dark complexion grew warm with inward fire."

Bassett's initially pleasant relationship with Webster soon deteriorated. He later claimed that his own hair first began to turn gray on the day that Webster sent him to summon a carriage and the boy could not find one. Giving the young Isaac one of his "blackest looks," Webster directed him to get a carriage and not to return until he had done so even if he had to go all the way to Georgetown. Bassett fails to inform us as to whether he fulfilled the senator's request. The fact remains, however, that Webster never coddled the child again. Bassett remained a loyal employee, however, often praising Webster's "benevolent and kind heart."

Bassett later claimed that the senator placed him in charge of his store of wine in his private office, tucked away of the Senate chamber's galleries. Although when Bassett occasionally broke a bottle, Webster heatedly admonished him to "be more careful. It is too precious to spill," he nonetheless, allowed him to sample the wines of his choice. Half a century later, Bassett remained reticent on the issue, stating "... just how often I availed myself of that grand privilege would hardly be politic for me to confess."

Despite the erratic course of their relationship, Bassett did not hesitate to state that "there was in this nation a more profound respect for Daniel Webster than for any other man... As a defender of the Constitution, he was unrivaled." Bassett also quoted Representative Josiah Quincy, who said of Webster, "the Almighty did not make more than one such in a century." Bassett witnessed nearly all of Webster's speeches from 1830 on and helped to support the aged statesman as he delivered his final speech at the laying of the cornerstone of the addition to the Capitol on July 4, 1851.

Isaac Bassett presented a more positive overall portrayal of another member of the 1831 Senate—Kentucky's Henry Clay. Although deeming him "the worst-mannered senator that I ever had to wait on," he also asserted, "I have heard all the great orators in the Senate for sixty years. I never heard the equal of Henry Clay." Many shared Bassett's admiration for Clay's oratorical prowess. Bassett quoted the seriously ill House member, John Randolph, just a few weeks before his death in 1833. As Clay rose to speak in the Senate chamber, Randolph urged, "Help me up... I have come to hear that voice."

Henry Clay's February 5, 1850, speech on behalf of what became known as the Compromise of 1850, filled the Senate chamber. Bassett stated that "noise arises from persons who are collected outside in the ante-room who, not being able to get in themselves, seem to be resolved that nobody else shall hear." Bassett explained, "As an orator, Henry Clay stood preeminent. There was a charm about his delivery which no other man could imitate. He seemed to be an off-hand speaker, but he never spoke without careful preparation on important occasions."

If a page was unavailable to do his bidding while he was speaking, Clay would often leave his seat and walk to the front of the chamber. There he would indulge in some snuff from the vice president's table without interrupting his discourse.

Bassett related, "I once asked Mr. Clay why he didn't bring his own snuff box. 'Boy!' he said, 'd'ont you see that I'd take more if it were by me and I take too much as it is.'" Clay was also fond of the game of whist and was noted for his ability to play cards all night long and still deliver brilliant speeches in the chamber the next day.

Isaac Bassett presented an inspiring first-hand account of Clay, the "Great Compromiser," in the Kentucky senator's final days of Senate service. "While the Compromise was under discussion... Clay was never absent from the Senate. At times he was so feeble that he had to be assisted to his seat. When he arrived at the Capitol in his carriage he asked a friend to let him lean on his arm as he found himself quite weak. When he rose to address the Senate he was so weak as to be hardly able to stand. On the second day, he was so exhausted that several of the senators asked him to... move for adjournment, but he persisted in speaking until he closed."

Bassett had only limited contact with John C. Calhoun, the third member of the esteemed Senate triumvirate. As Bassett put it, "the master of logic in the Senate" was "very distant" meaning Calhoun, the master of logic. "I kept out of his way as much as possible. He wanted but very little attention while he was in the Senate chamber. He very seldom called me. I was on the... opposite side of the chamber and the other page had to attend to him." On one occasion, the other page was absent and Bassett was unaware of it. Calhoun angrily scolded him, "Sir, why don't you come to me when I call you? I will have you to know that there are no two sides to this chamber." According to Bassett, who heard all of Calhoun's Senate speeches, he assumed a "stern attitude" when speaking, standing "in the aisle by the side of his desk... When he was excited he would get up from his seat and walk much of the time in

the lobby to the rear of the presiding officer's chair" and make short, nervous gestures with his right hand.

Bassett was careful to separate his private reservations about Calhoun from his assessment of his abilities as a statesman. Senator Calhoun, he wrote, "had fine logical faculties. In power of analysis and generalization he was not surpassed by any of his brother senators. He never indulged in personality unless it became necessary in repelling assaults. He was respectful and courteous to senators... He was of the first rank as a parliamentary speaker."

March 16, 1837, proved to be one of the most memorable days of Bassett's years as a page. On that date, Thomas Hart Benton succeeded in his efforts to have Clay's resolution of 1834, censuring Andrew Jackson, expunged from the Senate Journal. Bassett wrote, "As the Secretary of the Senate began to perform the expunging process, instantly a storm of hisses and groans arose from the left wing of the circular gallery, over the head of Senator Benton." The presiding officer, Senator William King of Alabama, ordered that the galleries be cleared, but Benton opposed that order and it was revoked. Bassett continued, "I witnessed the expunging resolution when the Journal was brought into the Senate chamber and black lines were drawn across it. Never will I forget the expression of Senator Benton—it seemed to be his happiest moment. He rejoiced in seeing that day... Mr. Benton carried away the pen as a trophy."

Near the end of Bassett's service as a page, Senator John Davis of Massachusetts imparted some prophetic advice to the young man: "Isaac, don't you leave the service of the Senate. Stay here as long as you can." Bassett later asserted that these words "... made a deep impression on my little mind... When he left the Senate he reminded me of his words and told me that I would stay here as long as I lived."

Bassett did continue his service and became a Senate messenger in 1838, a position that he held until 1861. His reminiscences of the pre-war tumult of the 1850's are especially dramatic. Bassett was standing near Senator Henry Foote of Mississippi, in front of the Secretary's table, when Foote advanced menacingly upon his enemy, Senator Benton, in 1850 during the heated Compromise debates. In his journals, Bassett remarked upon the personal habits of each man. Foote, he wrote, was "considered quite an orator but there was in him want of judgment, want of fixed principles and of purpose. A great ladies man," it was Foote who traditionally made the motion to admit women spectators to the floor. Benton, in Bassett's recollec-

tion, spoke with a harsh voice, delivered long, set speeches accompanied by ungraceful gesticulation, and habitually piled many documents and books on his desk.

Bassett detailed the chain of events leading to the violent encounter between Benton and Foote. "On several occasions Senator Foote had indulged in remarks personal to Senator Benton. Benton complained of these personalities in severe and violent language addressed to the Senate, reiterated the personalities on Foote, spoke of the failure of the Senate to protect its members from such insults, and declared his determination, if the Senate did not protect him, to redress the wrong himself, cost what it might." The next day, Benton brought a newspaper account of the altercation into the Senate chamber, condemned the account as inaccurate and cowardly, and charged that Foote had revised the report.

Bassett then recounted the rapid course of events. "Benton rose from his seat, threw his chair violently from him made for Mr. Foote. He was stopped by Senator Dodge and several other senators. He then jumped on top of one of the desks and laid open his breast and said, 'let him fire. Stand out of the way and let the assassin fire.' " Foote had drawn his pistol as soon as Benton had begun to lunge toward him. Senator Dickinson of New York asked Foote for the pistol and secured it in his desk. Foote later rationalized his actions as a means of self defense. Bassett quoted him as exclaiming, "So help me God to shoot without an attack was not my intention."

Six years later, Bassett witnessed another incident of violence between two members of Congress in the Senate chamber, one which I have previously discussed in some detail. As Senator Charles Sumner of Massachusetts sat at his desk addressing envelopes in May 1856, three days after delivering a fiery anti-slavery speech, Representative Preston Book of South Carolina came down the center aisle and proclaimed, "I have come over from the House to chastise you for the remarks that you made. I have read your speech; it is libel on South Carolina and against my relation, Senator Butler." As he said this, he struck Sumner hard on the head three times with a cane. Sumner rose, but fell to the floor bleeding. Bassett, Senator, Lewis Cass, and Arthur Gorman, who was a page at that time but later became a Senator, helped him up and led him to the Senate reception room. Bassett procured towels and a basin of water in order to wash Sumner's head. After the Senator was taken home, Bassett retrieved a piece of the inch-thick cane as a souvenir and Senator Stephen Douglas of Illinois kept the weapon's head.

As the 1850's drew to a close and the Senate moved from its old chamber into its present quarters, Bassett took on greater responsibilities. Senators, impressed by his ability to live by his motto, "I always made it a rule never to be in a Senator's way," elected Bassett assistant doorkeeper on July 6, 1861—a position that he was to hold for over thirty years. Bassett's good friend Senator John Breckinridge later queried, "Why did you not tell me that you were a candidate for that place? I would have voted for you above everybody else in the world." Bassett claimed that the appointment had come as a total surprise to him, and he did not learn of it until Senators Benjamin Wade and Daniel Clark informed him that they had nominated him for the post.

Bassett's writings on the war years provide fascinating glimpses of the Senate under siege. He stated in one of his countless vignettes, "I think the most sensational incident I ever saw in the Senate was at the outbreak of the Civil War. Mr. Robert Toombs of Georgia flung his arms wildly about him, cried out at the top of his voice, 'Good-bye Senators, good-bye. I go, never to return' and strode out of the hall. And," reported Bassett, "he didn't come back either, though he could if he had wanted to."

Military concerns permeated the atmosphere of the Senate as Bassett began his tenure as doorkeeper. The Capitol became a barracks as Bassett looked on. The dashing troops of the New York Zouaves did their cooking in the coal vaults beneath the Capitol terraces, and their colonel used the vice president's room as his headquarters. After the Sixth Massachusetts Volunteer Regiment was mobbed at Baltimore, on its way to Washington, it was ordered to be quartered at the Capitol. Bassett recalled, "When the soldiers occupied the Capitol, I saw them bring arms full of bacon and hams and throw them down on the floor of the Marble Room. I cautioned them not to grease the marble walls . . ."

One day, Bassett recalled that, as he entered the Senate chamber, "I heard a noise as if someone was splitting wood. I looked over on the Democrats' side of the chamber and beheld there was a crowd of soldiers with their bayonets cutting one of the desks to pieces. I hollered at the top of my voice, 'What are you doing?' Several answered, 'We are cutting that damn traitor's, Jefferson Davis, a senator from Mississippi, desk to pieces . . .'"

This is the desk right here where I am standing:

"I replied, 'That is not Jefferson Davis' desk. It belongs to the government of the United States. You were sent here to protect government property and not to destroy it.'" The vandalism ceased, but several of the sol-

diers claimed pieces of Davis' desk as souvenirs.

This desk, for those who read this speech, hopefully, in the years to come, is here where I am presently standing. And here, where I am placing my hand, is the scar of the action of the soldier who was using his bayonet in the incident to which Bassett refers.

Our eminent Senator, the chairman of the Appropriations Committee, and President pro tempore of the Senate, JOHN C. STENNIS, is the occupant of this desk, Jefferson Davis' desk, today.

On a personal basis, Bassett greatly respected Davis and wrote that he "always knew what he was speaking about. His manner was easy and there was a precision in his phraseology which gave a vigor and force to his speeches." Bassett later had the Davis desk mended and kept its location in the chamber a carefully guarded secret. Today, as I have indicated, the location of that desk is no longer a secret.

At the end of the Civil War, Bassett settled into his duties as assistant doorkeeper, and it is largely from this period, the pinnacle of his career, that Bassett drew the material for the bulk of his diary entries. Of his assigned responsibilities, Bassett wrote, "The most unpleasant duty which I have to perform is giving senators seats. It has always been the custom in the Senate when a senator wishes to change his seat to one that he thinks much better than the one he occupies, to speak to the assistant doorkeeper. He puts it down in a book and when that seat becomes vacant, he is entitled to it . . . In the House they draw every new Congress (the Senate, being a more dignified body, doesn't do that)."

The battle for the best seating arrangements elicited a broad range of responses from senators. Some were rude and harshly accused Bassett of favoritism; others were mild and accommodating. Bassett wrote, "I will not tell all that has been said to me, in regard to seats . . . They, senators have called me at my house before sunrise in the morning and late at night to speak for a seat." Bassett assigned seats on a first-come, first-served basis. At the opening of each new Congress, he had all seats assigned and all in readiness. According to Bassett, the main aim in choosing a seat was to be able to catch the presiding officer's eye easily; for this maneuver, the second row was preferred.

Bassett's dilemmas were not limited to the assignment of seats. He also had to care for the Senators' desks. He put private marks on the seats and desks of all prominent Senators, both to be able to identify them for historical purposes and to preserve them from souvenir seekers. He maintained a running list of which Senator had



occupied which desk and locked that information in a safe in his office. Regrettably, Bassett's list has not survived. Consequently, about the only source of information about desk assignments comes from those Senators who, over the past century or so, have inscribed their names in the individual desk drawers.

Bassett's job was made yet more difficult since he had not only to protect the chamber from tourists in search of mementos, but also from Senators, themselves, determined to obtain a bit of history. In 1861, Senator Milton Latham of California took his Senate chair, formerly occupied by Jefferson Davis, home with him, and sought to buy Davis' desk from Bassett, who refused the offer. Senator Horace Tabor of Colorado desperately wanted to learn the lineage of his desk, but Bassett adamantly refused to reveal it. Bassett wrote, "... He said, 'Never mind, I will leave my mark.'" He had on a pair of gold sleeve buttons with a diamond in the center. With these he made two indentations in two corners of the desk and no doubt thought he had outwitted me, but after the Senate adjourned, the desk was taken out for repairs ... as they are every recess of the Senate and the tops of all the desks are scraped, rubbed down, and repolished."

Another of Bassett's duties was to turn back the Senate's clock. The tradition of turning back the hands of time perhaps began at 11:20 a.m. on March 4, 1845, when Willie Mangum of North Carolina was president pro tempore. With only forty minutes remaining in the life of the Twenty-eighth Congress, a final appropriations bill had not yet reached the Senate from the House. Someone suggested that Mangum turn back the clock and he queried of Bassett, who was a messenger at the time, "Bassett, do you think you could turn back the hands of that clock about ten minutes without attracting too much attention?" Bassett replied, "Yes, sir, I think I can." "Well, then, go and do it as quickly as you can," said the senator."

As the years went on, many an appropriations bill was saved and many an extra session avoided by Bassett's actions. By the 1890's, however, the spectacle of the blushing elderly man wielding a long pole with a hook on the end and changing the time had evolved into what one newspaper termed "a standing Senate joke." Bassett often complained that the senators of "the old days" went along with the endeavor good-naturedly and did not doubt his right to change the clock's hands. Only once did a senator question the ritual's constitutionality. Bassett wrote, "... I have nothing to say about whether it was constitutional or not, but never in my life while in the service of the Senate have I dis-

obeyed an order from the vice president." As late as March 4, 1887, Bassett's diaries reveal that he still lived in the fervent hope that each time he turned back the hands of the clock would be his last. Although his manipulation of the clock was Bassett's most famous duty, he detested it.

Bassett found other facets of his work, such as night sessions, less trying. He rather enjoyed "sitting up with the boys." In the early days of his Senate service, on the last night of a session, the floor would be filled with women spectators as "hundreds of sperm candles and small fixed lamps" illuminated the chamber. Rooms adjacent to the Senate chamber were used in order to serve both food and drink. In his later years, Bassett stated wistfully, "Somehow, liquor did not affect the statesmen then as it does now."

Messengers and pages heartily enjoyed the all-night sessions, eating cheese and crackers in the cloakrooms and even dining with the senators in their committee rooms. Bassett recalled one especially memorable event that occurred as the senators labored over an appropriations bill around midnight one evening in 1862. Only about ten senators remained in the chamber. Suddenly Senators James Nesmith of Oregon and Henry Rice of Minnesota war-whooped with canes in their hands, then paraded six to eight times around the chamber, "dancing, whooping, and making a great noise with their canes on the floor and continued dancing and yelling for at least a half an hour, during which time the senators were highly amused." Bassett noted in his diary, "... what have I not seen in this, the most dignified body in the world."

And so one might wonder how Bassett could state in his later years that, "Somehow, liquor did not affect the statesmen then as it does now."

Bassett concluded that "an all-night session is never a very creditable affair. Senators grow careless; boots are drawn off. Senators lie down on the settees." The passage of the Silver Bill during an all-night session led him to remark "as long as I have been in the service of the Senate I never saw so many senators under the influence of liquor at one time as I did that night session. I sat in my seat and wondered whether this could be the Senate of the United States."

Senate executive sessions, held behind closed doors, evolved into particularly colorful events. Bassett defended the Senate's prerogative to hold such secret sessions, noting, "There are certain things in public affairs which cannot be entrusted to the public." As assistant doorkeeper, Bassett had taken the special oath necessary for him to be allowed to attend these sessions. The only executive gathering from which he was ever ex-

cluded was called to deal with an outbreak of press leaks from the closed sessions. Bassett wrote extensively but guardedly about these sessions and clearly considered himself to be an intimate part of them.

He stated, "I would like to tell what I have seen in executive session but I cannot. There is no harm in stating how things look. The senators become careless; they have no audience to look down upon them; they do exactly what pleases them most. The senators are easier than when under the eye of the people. Those who wish to smoke, smoke. If it is in the warm season, those who wish to take off their coats and shoes and lay down on the sofas and go to sleep do so ... Senators are at their ease. It is a release from outdoors pressure. They can light their cigars, put their feet in any position they please, lie down, or sit up, and do as they please. It is a great relief to senators and officers. We get rid of all pages, employees, and outsiders."

A series of anecdotes from Bassett's career as the Senate's assistant doorkeeper illustrates the diverse capacities in which he served the institution. He maintained a unique relationship with Senator William Brownlow of Tennessee, "the fighting parson." Bassett recalled, "What I did for him while he was senator never was done before in that body. Whenever the roll was called he would beckon for me to come to his seat. His seat was at the corner of the first row of desks very near where I sat on the left of the vice president. I would put my ear down to his mouth and he would say 'aye' or 'no.' He could not speak above a whisper; I would go up to the secretary's desk and say 'aye' or 'no' for him and the secretary would put it down just as I said ... Sometimes he did not know how to vote and told me to vote as I thought was right. I did so a number of times."

Bassett also performed special tasks for Senator Orville Browning of Illinois. After a three-hour speech, he asked Bassett to refill his tumbler of gin. Bassett remembered, "I did so, but seeing that it began to tell on him, I got the tumbler and put very little gin in it and filled it with water. One of the senators that sat close to him said, '... Bassett must have put a little gin in that, for I notice that you got quite lively before you closed.'"

In his later years, Isaac Bassett received many accolades. In 1876, he was presented with a portrait of himself as a gift from his co-workers. In his fiftieth year as a Senate employee, he was given a gold-lined snuff box of beaten silver from Tiffany's. Selected by Senator Thomas F. Bayard, it was inscribed "Each member of the United States Senate has joined in presenting this testimonial to Isaac Bassett, on the completion of the fiftieth year of

his services as an officer of that body, in recognition of his personal worth and official fidelity. December 5, 1881."

Senator Henry Anthony of Rhode Island once remarked to Bassett that he was "a perfect statue" while sitting in his seat and that no matter when he entered the chamber, Bassett was there. Bassett was indeed a fixture in the Senate during his six decades of service. As he grew older, he worried that money and political "wire-pulling" played too large a role in the election of senators.

Bassett would really have been astonished if he were here today and could have listened throughout these past several months of debate on the campaign finance reform bill. I have no doubt as to where he would have stood or what his advice would have been to Senator Brownlow, the fighting parson, who could only speak by whisper. Had he himself been a Senator in our day, Bassett undoubtedly would have voted for cloture on the campaign finance reform bill.

He also bawled the worsening "noise and confusion" of the Senate chamber, and he "came to the conclusion that as a whole . . . pages were very naughty boys."

He would have been pleasantly surprised could he have looked into the Senate of the 1980's, and to have seen the young ladies who have served and are serving in the Senate as pages. They are not naughty; neither are the boys.

He missed the brilliant oratory and dignified, courtly manners of the old Senate with its members attired in formal, swallow-tailed coats, and he mourned for what he called "the good old days when congressmen had a code of honor and considered a case of pistols a necessary part of their outfit."

Yet, Isaac Bassett consistently defended what he deemed "the most august body in the world" and asserted his "loyalty and reverence" for the institution and his "desire to shield it from calumny and defend its dignity." He pledged that ". . . there are a great many things . . . that I will never say anything about." He had confidence in the general character of senators, writing "Some of the best men I have ever known were in the Senate . . . and the worst ones—well, the senators are human, of course, and they average about so so." In a similar vein, he wrote, "I have been asked time without number in the later days what was the cause of my being retained through all administrations. The only reason that I can give is that I tried to mind my own business and let other peoples' alone."

It is particularly fitting to close, Mr. President, with Bassett's most comprehensive statement on the evolution of the Senate as he saw it on a personal level during his sixty-four years of

service. He wrote: "We hear a great deal said about the degeneracy of the Senate in these days. I remember the Senate when it numbered among its members Daniel Webster, John C. Calhoun, Thomas H. Benton, Henry Clay, Lewis Cass, and Silas Wright. I believe that their equals in all respects never, never appeared upon the floor of the Senate—yet, I am inclined to think that as a whole there has been a gradual improvement. There are senators today fully equal to any who have ever held seats in that body, if we except of the illustrious names above mentioned."

Incidentally, Mr. President, the habit of snuff-taking in the Senate Chamber is as old as the Senate. During the first half of the 19th century, most Members carried their own boxes of finely ground tobacco and some even kept two boxes on their person, one containing a mixture for personal use and another, usually a milder type, which was offered to friends. Washington's leading Presidential hostess, Dolley Madison, is reported to have carried as many as three snuff boxes at White House receptions.

In the early years of the Senate, a large snuff urn was kept on the desk of the Vice President and Senators regularly availed themselves of what has been described as "the choicest and most fragrant 'Macaboy' and 'Old Scotch'" brands.

During the tenure of Millard Fillmore as President and Presiding Officer of the Senate, the snuff box was removed from the Vice President's desk. According to Isaac Bassett, about whom I have been speaking for the last several minutes, who was employed by the Senate from 1831 until late in the 19th century, Vice President Fillmore was not pleased by the parade of senatorial snuff-takers that constantly passed his desk. In his diary, Bassett quotes a highly agitated Fillmore who demanded, ". . . take this snuff box away from the table. I cannot understand what is going on in the Senate on account of the conversation of Senators who come here to get a pinch of snuff." At the suggestion of Fillmore, Bassett placed two small lacquer boxes at the front of the Old Senate Chamber on either side of the center aisle. Today these same boxes are affixed to a ledge on the north wall of the Senate Chamber—actually, on the north wall on both sides of the Vice President's desk—near the doors leading to the Senate lobby. While the custom of taking snuff in the Chamber has disappeared, the boxes continue to be filled by the staff of the Sergeant-at-Arms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, how much time remains in the period for morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that the period be extended for not to exceed an additional 20 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SENATOR PROXMIRE ANNOUNCES HIS RETIREMENT

Mr. BYRD. Mr. President, on August 27, while the Senate was in recess, our esteemed colleague, the senior Senator from Wisconsin, announced his intention to retire from the Senate at the end of this term.

Senator PROXMIRE will be missed. He is the Chamber's third highest ranking Member and chairman of the Senate Banking, Housing, and Urban Affairs Committee. As I have said before, the tenacity and dedication that Senator PROXMIRE has applied to the causes in which he believes have made him somewhat of an institution within this institution.

He will leave behind him a rich legacy of legislative accomplishments including the Competitive Banking Equality Act, the Truth-In-Lending Act, and foreign bribery law. The publication, "American Banker", has correctly noted that Senator PROXMIRE has been "a central figure in banking legislation for two decades."

Senator PROXMIRE will also leave behind a rich legacy of traditions—traditions that are legendary, or at least border on being legendary.

His unparalleled voting record of 21 years, and still counting, without missing a rollcall vote surpasses any superlative that I could attach to it. I will simply point out that before he leaves us, Senator PROXMIRE's record of consecutive rollcall votes could pass an incredible—and undoubtedly will pass an incredible—10,000.

"Voting is the single most important function of a Senator," he has said. As usual, he practices what he preaches.

On January 11, 1967, Senator PROXMIRE announced that he would speak every day that the Senate was in session urging this Chamber to ratify the Genocide Treaty. Nineteen years and 3,000 speeches later, on February 19,



1986, his quest became a reality, and morning business has never been the same since.

As I have said before, Senator PROX-MIRE's "Golden Fleece Awards" have become as much a part of the Senate as quorum calls. This frugal opponent of wasteful Government spending used these occasions to point out how taxpayers' money was being used to discover such things as: How best to break an egg, why prisoners want to escape from jail, and whether drunken fish are more aggressive than sober fish.

Every 6 years, I was glad to see that the people of Wisconsin were as appreciative of their outstanding Senator as we in this Chamber were. Five times they reelected him, giving him what will be a total of 31 years in the U.S. Senate. They sent him back to us with as much as 71 and 72 percent of their votes.

Now, he plans to leave us. He has said that his retirement will not have much of an effect on the financial services industry of the Nation because "one man doesn't make that much difference." Time will prove or disprove this. But I have disagreed with Mr. PROX-MIRE before, and this time I point out that one man can make a difference, as Senator PROX-MIRE has made. His retirement will make a difference not only in the financial services industry but also in the U.S. Senate, in his beloved State of Wisconsin, and the United States.

But I will take this opportunity to say thank you. I thank Senator PROX-MIRE for being an outstanding Senator and colleague, a fine gentleman and a good friend.

I have enjoyed and profited from our work together and I hope the next 16 months will be as enjoyable and as profitable.

#### SUPPORT FOR THE CENTRAL AMERICAN PEACE AGREEMENT

Mr. President, I hold in my hand a Senate concurrent resolution which I will submit with the cosponsorship of Senators DODD and SANFORD. It is a resolution expressing support for the Central American Peace Agreement signed on August 7, 1987, and congratulating the Presidents of Central America on the successful outcome of their recent summit meeting in Guatemala City.

#### SUPPORT FOR THE CENTRAL AMERICAN PEACE AGREEMENT

Mr. BYRD. Mr. President, I now send to the desk the concurrent resolution which I had earlier stated that I would introduce today on behalf of myself, Mr. DODD, Mr. SANFORD, and Mr. SASSER.

I send it to the desk for appropriate referral and ask that it be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

#### S. CON. RES. 71

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica, on February 15, 1987, to consider a political framework for peace in Central America, as proposed by President Arias of Costa Rica;

Whereas the Presidents of the Central America democracies described the Arias proposal as "a viable, timely and constructive document for achieving peace in Central America through political negotiation;"

Whereas the Government of Costa Rica was asked to convey the Arias proposal to the Government of Nicaragua and to invite the President of Nicaragua to participate in a regional summit conference for the purpose of finalizing negotiations on the Arias initiative;

Whereas on March 12, 1987, the United States Senate considered S. Con. Res. 24, "supporting the initiative of the Central American heads of state . . . in formulating a regional proposal for bringing an end to the armed conflict in Central America," and subsequently approved this resolution by vote of 97 to 1;

Whereas on July 28, 1987, the House of Representatives debated H. Con. Res. 146, "supporting the initiative of President Oscar Arias Sanchez of Costa Rica to end armed conflict in Central America and encouraging . . . a negotiated settlement of the conflict in Central America," and thereafter adopted this resolution by unanimous vote;

Whereas the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua met August 6-7 in Guatemala City and signed an agreement based on the Arias proposal, setting forth specific procedures for the establishment of a "firm and lasting peace in Central America;" and

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Congress hereby—

Congratulates the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on their successful summit conference of August 6-7, 1987, held in Guatemala City;

Recognizes the signing of the August 7 peace accord as an historic development and an important opportunity for the Presidents of Central America to work together to restore peace and stability to their region;

Urges the parties to the peace accord to implement all of its provisions in good faith; and

Pledges its firm support and full cooperation with respect to such good faith implementation of the August 7, 1987, Central America peace agreement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am delighted to join as a cosponsor along with the majority leader and my two colleagues, Senator SANFORD and Senator SASSER, who coincidentally are also members of the recently appointed observer group, two members of the observer group, which includes myself, appointed by the majority leader to monitor the ongoing peace initiative in Central America.

This resolution, as the majority leader has indicated I believe earlier, is designed to express our support for this effort.

Very briefly, Mr. President, I would like to address some thoughts regarding Central America as a backdrop, if you will, to this resolution.

As so often happens in debate on very major issues, there is a tendency to overlook the obvious. Central America, I happen to believe, is a case in point.

If you will, let us look at the record and let us ask ourselves how many hours we have spent debating the issue of military aid versus economic assistance to El Salvador. The question of F-5's versus A-4's to Honduras? The matter of lethal versus nonlethal military equipment for Guatemala? The point regarding balance-of-payments-support versus development assistance to Costa Rica? The controversy surrounding humanitarian aid versus military hardware for the Contras in Nicaragua?

How many hours have we spent debating the merits of police training in El Salvador? Or military maneuvers in Honduras? Or helicopter spare parts for Guatemala? Or secret airfields in northern Costa Rica? Or the opening and closing, the reopening and reclosing, of La Prensa in Nicaragua?

Now add to all of this the debate on military advisers in El Salvador; the debate on regional training centers and military construction in Honduras; the debate on search-and-destroy operations in the Indian highlands of Guatemala; the debate on guerrilla warfare manuals for the President's freedom fighters; the debate on the CIA's mining of Nicaragua's harbor; the debate on aid to the "southern front" in Costa Rica.

As we remember those debates, let us also remember the debate on the political structure of the Contra fighters; on whether they are guided by civilian or military chieftains; or whether Alfonso Robelo is more of a democrat than Adolfo Calero; on whether Arturo Cruz is in or out, or whether he is back in or he is back out.

In remembering those debates, let us not overlook the debates on the Sandinistas themselves—the Marxist-Leninist, Communist, Stalinist, totalitarian regime that overthrew the corrupt, brutal, capitalist, Yankee-loving, as they are referred to Somoza dictatorship.

Yes, there has been a lot of debate relating to Central America. Last but not least there has been the debate surrounding the illegal sale of American weapons to the Government of Iran and the diversion of funds from those sales to the Contras. And of this we can be sure, we have not heard the end of the debate. We have not heard the end of the colonel and the admiral.

ral. We have not heard the end of General Secord, Mr. Hakim, or Mr. Ghorbanifar. And as the debate goes on, we are sure to be reminded of Fawn Hall, Rob Owen, Spitz Channell, and their coterie of "patriotic" ideologues who commandeered the ship of state while the captain was fast asleep in the wheelhouse.

As the debates of the past find their way into the history books and as the debates of the present rage on, the main issue—the real issue in Central America—always seems to get lost in the verbal scuffling and scrapping. The issue, Mr. President, the central issue in Central America, is peace. In the case of Central America the need is both urgent and intense.

Look at it this way. The question of whether Ollie North "told the whole truth and nothing but the truth" does not matter a whit to the labor organizer, the schoolteacher, or the policeman who has been gunned down on the streets of San Salvador. What Poindexter did or did not tell the President of the United States has little meaning or significance for the hundreds of thousands of Central American refugees scattered from San Jose, Costa Rica, to San Jose, CA. Or consider the controversy about Ed Meese's role in the Iran-Contra scandal. To the health care workers or farm co-op members in northern Nicaragua who have been maimed or machine-gunned by the Contras, that controversy does not mean a great deal.

To all of these people—to the 27 million human beings who call Central America their home—there is only one issue. That issue is peace.

And peace means life. It means living. And working. And building. And caring. That is what peace means. That is what it means here. And that is what it means in Central America.

Just like us, Central Americans want to live a decent life. They want to work. They want to build. And they want to care—care for their children, care for their relatives, care for their neighbors. They want peace.

This is what brought the Presidents of Central American States to the National Palace in Guatemala City on August 7. This is why they accepted "the historic challenge of forging a peaceful destiny for Central America." This is why they agreed to make "dialog prevail over violence and reason over rancor." This is why they adopted a specific "Procedure for Establishing a Firm and Lasting Peace in Central America." This is why they set up their timetables of 90, 120, and 150 days. And this is why they required solemn pledges concerning amnesty laws, cease-fire arrangements, democratization procedures, cessation of aid to paramilitary forces and the nonuse of territory to attack other nations.

The Presidents of Central America have done their part. Much is left to be done, but they have taken a giant step forward. They have made an historical commitment for this region. And they have signed on the dotted line.

Now it is our turn. After all the debate, after all the discussion we can do no less. This is why I have proudly introduced my name to the resolution introduced today by the distinguished majority leader. This resolution is designed to put the Congress on record in support of the Central American Peace Accord. Simply stated, it pledges our support and cooperation in the implementation and enforcement of that agreement.

Mr. President, some 50 years ago at a speaking engagement in upstate New York, President Franklin Roosevelt spoke at length about the Good Neighbor Policy. In the course of his remarks he observed, "Peace, like charity, begins at home."

And so it does, Mr. President. In the case of Central America today, now is the time for us to prove it. Now is the time for us to heed the plea for peace in Central America.

Mr. President, I am honored and delighted that this resolution has been introduced. My hope would be, depending upon the schedule, of course, that this resolution might be considered before the arrival of President Arias, who is coming to this country on the 20th or 21st of this month. It would certainly be fitting and proper for this body to recognize the great courage, the great tenacity that President Arias and his other colleagues in Central America have shown with their signing of an agreement on August 7 and their determination to fully implement that agreement over the coming weeks and months.

So, Mr. President, I urge my colleagues, when the opportunity arrives, to support this resolution and by doing so to indicate our strong support and our allegiance with these leaders in Central America who seek to bring peace and stability to their land.

I thank you, Mr. President, and I yield the floor.

#### ORDERS FOR TUESDAY, SEPTEMBER 15, 1987

##### ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the motions and resolutions over under the rule not come over on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next there be a period for the transaction of morning business not to exceed 20 minutes; following the recognition of the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senators may speak for not to exceed 5 minutes each during that period for morning business on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SENATE CAMPAIGN REFORM

Mr. BYRD. Mr. President, I ask unanimous consent that the remaining time following the conclusion of morning business on Tuesday next and the beginning of the vote on the motion to invoke cloture, the automatic quorum call having been waived, be equally divided and controlled between and by the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. BYRD. Mr. President, on Tuesday next the Senate will convene at 10 o'clock and under the rule the motion to invoke cloture will be voted on following an hour of debate and the establishment of a quorum. The vote on the motion to invoke cloture to which I refer is on the campaign financing reform bill. That will constitute the seventh effort to invoke cloture on that bill.

On yesterday, the Senate reached its high water mark over the period of 6 votes on cloture on that bill and 55 Senators have indicated that they want the Senate to stop filibustering and get on with action on the bill.

Whether or not cloture will be invoked on Tuesday next remains to be seen. At this point I have my doubts it will be, but I can assure the Senate that, the Lord willing, the matter will be revisited at a later date during this Congress.

I wish to thank all Senators who have voted with the majority of Senators in supporting cloture on the measure. I thank Senator KASSEBAUM on the Republican side and Senator HOLINGS on the Democratic side for joining in casting their votes for cloture on yesterday. We made a net gain of two votes over the previous cloture votes. I hope that we will be able to show further gains on next Tuesday. If the cloture vote fails, then the Senate will resume consideration of the Department of Defense authorization bill. There are amendments pending and rollcall votes will undoubtedly occur during the day.

I should state that in speaking of the vote on cloture next Tuesday, I



spoke with reference to the requirements of Senate rule XXII. I have just been reminded by one of our diligent floor staff persons that the mandatory live quorum on Tuesday next has been waived by unanimous consent, and I thank the fine staff person for reminding me.

There will be rollcall votes then on the Department of Defense authorization bill during the afternoon.

On next Wednesday the Senate will meet early at 8:30 in the morning, will meet on Thursday at 8:30, and on Friday at 8:30 in the morning. There will be long daily sessions as we address our attention to the Defense Department authorization bill. Senators should be prepared therefore for rollcall votes daily Tuesday, Wednesday, Thursday, and Friday of next week, and there could be some long sessions. It is a difficult bill. There are many controversial issues involved, and there is no doubt but that some time will be required to dispose of those issues.

But someone yesterday inquired of me as to whether or not the cots are still around and available in the event of a late-night session or an all-night session, and I indicated at that time that they are available. I will therefore urge Senators to be prepared for such long sessions. I would not be surprised at some point to see those cots used in the event there are efforts to drag out the proceedings on the De-

fense authorization bill or on other important and vital measures.

ADJOURNMENT UNTIL  
SEPTEMBER 15, 1987 AT 10 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate stand adjourned until the hour of 10 o'clock on Tuesday morning next.

The motion was agreed to, and the Senate, at 5:58 p.m. in accordance with the previous order, adjourned until Tuesday, September 15, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1987:

DEPARTMENT OF STATE

MILTON FRANK, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

UNITED NATIONS

GEORGE W. CROCKETT, JR., U.S. REPRESENTATIVE FROM THE STATE OF MICHIGAN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 42ND. SESSION OF THE GENERAL ASSEMBLY OF THE UNITED STATES.

THE JUDICIARY

PAUL V. NIEMEYER, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND VICE FRANK A. KAUFMAN, RETIRED.

FRANKLIN S. VAN ANTWERPEN, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE ALFRED L. LUONGO, DECEASED.

DEPARTMENT OF JUSTICE

JOHN A. MCKAY, OF ALASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS VICE WILLIAM H. OPEL, RESIGNED.

ALFONSO SOLIS, OF NEW MEXICO, TO BE U.S. MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF 4 YEARS VICE RUDOLPH G. MILLER, RESIGNED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. DUDLEY L. CARLSON, XXX-XX-XXXX/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5021, TO BE CHIEF OF NAVAL RESEARCH FOR A TERM OF 3 YEARS:

Chief of naval research

REAR ADM. JOHN R. WILSON, JR., XXX-XX-XXXX/1230, U.S. NAVY.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

JAMES G. GRIZZARD, XXX-XX-XXXX  
CONRAD P. MARCOTTE, XXX-XX-XXXX  
JAMES A. MYERS, XXX-XX-XXXX  
JOSEPH P. NASTASI, XXX-XX-XXXX  
MICHAEL M. PINK, XXX-XX-XXXX  
ROBERT E. SCHRAMM, XXX-XX-XXXX  
JAMES D. SHOWLER, XXX-XX-XXXX

To be lieutenant colonel

JOSEPH P. BISOGNANO, JR., XXX-XX-XXXX  
RUSSELL C. CALHOUN, XXX-XX-XXXX  
HELEN L. CAPRON, XXX-XX-XXXX  
LEE R. CUNNINGHAM, XXX-XX-XXXX  
JAMES A. FOSTER, XXX-XX-XXXX  
FRANK R. GROSETH, XXX-XX-XXXX  
MICHAEL W. HORNER, XXX-XX-XXXX  
MICHAEL B. LANGEY, XXX-XX-XXXX  
ANTHONY O. PATINO, XXX-XX-XXXX